



County of Los Angeles CHIEF EXECUTIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

January 29, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**COUNTY OF LOS ANGELES
MARINA DEL REY AFFORDABLE HOUSING POLICY
ADOPT NEGATIVE DECLARATION
APPROVE AND IMPLEMENT THE PROPOSED
MARINA DEL REY AFFORDABLE HOUSING POLICY
(SUPERVISORIAL DISTRICT 4)
(3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Consider the proposed Negative Declaration, together with any comments received during the public review process, find that the project will not have a significant adverse effect on the environment, find that the Negative Declaration reflects the independent judgment of the County, adopt the Negative Declaration that has been completed in compliance with the California Environmental Quality Act and your Board has reviewed and considered the information contained therein in their decision-making process prior to approving the Marina del Rey Affordable Housing Policy.
2. Approve the Marina del Rey Affordable Housing Policy, consistent with the revisions resulting from the environmental review process.
3. Instruct the Director of Beaches and Harbors to implement the Marina del Rey Affordable Housing Policy, as part of all future lease negotiations containing residential units as part of any new development or redevelopment project in Marina del Rey.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

On April 4, 2006, your Board directed my office to form and lead a task force comprised of the Directors of the Departments of Beaches and Harbors, Regional Planning, the Community Development Commission and County Counsel, to review the County's current Marina del Rey Affordable Housing Policy and report back to your Board with proposed revisions and/or recommendations to the current policy to ensure the County is in full compliance with the requirements of the Mello Act (California Government Code section 65590, et seq.), which requires local jurisdictions to require the preservation and inclusion of affordable housing in new developments and redevelopments within the Coastal Zone, where feasible.

On August 1, 2006, your Board considered the draft affordable housing policy prepared by the Marina Affordable Housing Task Force and instructed the Task Force to conduct a community forum in Marina del Rey to collect public input on the draft policy and directed County Counsel to work with the Task Force to devise an affordable housing policy options document to be considered prior to your Board voting on the final policy parameters. The community forum was conducted on September 7, 2006.

On May 1, 2007, your Board considered the policy options document prepared and submitted by the Task Force. After much discussion, your Board instructed the task force to evaluate additional policy alternatives including changes to the percentage mix between low- and moderate inclusionary housing units, like-for-like replacement of existing affordable units slated for demolition, and an extension of the affordable housing covenant through the term of the lease. In addition, your Board instructed the Task Force to complete a financial analysis of implementing the various policy alternatives for your Board's consideration.

On June 19, 2007, your Board conducted a public hearing and approved the Marina del Rey Affordable Housing Policy parameters developed subsequent to the community forum in order to define the "project" for the purpose of complying with the requirements of the California Environmental Quality Act (CEQA). Your Board instructed my office to modify the proposed policy and prepare the necessary environmental documents required under CEQA to identify any environmental impacts that may result from adoption and implementation of the proposed Policy and to return to your Board with the appropriate environmental documentation for your Board's final consideration of the proposed Marina del Rey Affordable Housing Policy (Policy). The purpose of the recommended actions is for your Board to consider and adopt the Negative Declaration, approve the Policy, and instruct the Director of Beaches and Harbors to implement the Policy (Attached) as part of all future lease negotiations involving new or redevelopment projects with residential units in Marina del Rey.

Implementation of Strategic Plan Goals

The proposed Policy promotes the County's strategic planning goals of "Service Excellence" and "Families and Children's Well-being" by developing clear and reasonable requirements, incentives, and standards to guide developers in meeting the requirements of the Mello Act, and increasing the affordable housing stock available to low- and moderate-income families in the unincorporated community of Marina del Rey.

FISCAL IMPACT/FINANCING

The Department of Beaches and Harbors is currently negotiating lease extensions for Parcel 10/FF (Neptune Marina), Parcel 64 (Villa Venetia) and Parcel 33/NR (The Waterfront). Your Board's approval of the Policy is anticipated to result in the construction of approximately 136 affordable housing units from the three parcels - with 48 being set aside for low-income households and 88 reserved for moderate-income households. In addition, implementation of the Policy is anticipated to result in reduced ground rent to the County due to lower rents collected from tenants in affordable units and the need for the County to provide rent credits to the lessees to compensate them for the loss in value associated with providing the affordable units on site. While the amount of the rent credit may fluctuate depending on the County rent concessions ultimately negotiated with the lessees, the County is currently projecting a total cost to the County of \$57.8 million of which \$51.4 million is for the affordable housing rent credits, and approximately \$6.4 million in rent loss associated with the three projects mentioned above.

The proposed Policy also includes fees that are intended to recover the full cost for services provided in reviewing, evaluating and monitoring income eligibility and housing cost limits.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Mello Act requires that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone, has the responsibility to require the replacement of housing units when affordable housing is converted or demolished, and support the creation of affordable housing units in new construction in a manner consistent with the Mello Act. Compliance is required for that portion of a jurisdiction that is located within the Coastal Zone. Marina del Rey is located within the Coastal Zone and, therefore, is subject to Mello Act requirements for affordable housing.

The Mello Act is intended to provide local jurisdictions with discretion in imposing housing requirements in the Coastal Zone because each situation presents some unique facts and public policy considerations. The Mello Act must be implemented in

conjunction with various other state mandates, such as the California Coastal Act, CEQA, and statewide Density Bonus and Housing Element laws. As a local government entity, the County must reconcile these often conflicting state mandates when approving housing developments within the Coastal Zone on a project-by-project basis. The situation in the Marina is complicated by the fact that the County is also the landowner and acts in a proprietary manner regarding leaseholds.

The Mello Act clearly states that the adoption of ordinances and programs are not required to implement the statute's provisions. However, an affordable housing policy creates certainty for the development community as to what requirements will apply to future development projects. The Mello Act acknowledges the need for certainty and predictability by defining feasibility in terms of whether a project can be completed in a "successful" manner within a reasonable period of time. The development of a clear policy, therefore, will encourage the production of affordable housing in Marina del Rey.

In compliance with the Mello Act, the recommended Policy provides for construction of replacement affordable housing units in redevelopment projects where existing housing units occupied by low- or moderate-income households are slated for demolition; and construction of inclusionary affordable housing units as part of any new or redevelopment project that increases the number of residential units on site. More specifically, and as directed by your Board, the replacement housing obligation will be based on the results of an income survey to be completed by the Community Development Commission on a project-by-project basis. The rental levels of the replacement units identified as part of the income survey will be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement (i.e., replacement units must be set aside on a like-for-like basis). Moreover, the inclusionary housing obligation shall be calculated on the net new incremental units to be constructed as part of any project with a goal of 5% of such newly constructed units being set aside for low-income households and 5% reserved for moderate-income households based upon an analysis of each project's feasibility. A covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary affordable housing unit will be observed for the term of the lease must be executed by the lessee prior to commencing construction of any new residential or redevelopment project.

In addition, these new affordable housing units must also be reasonably dispersed throughout the project, and comparable in size and design to the market-rate units being developed in the rental component of the new or converted project. The proposed policy further requires that the obligation to construct or rehabilitate affordable replacement and/or inclusionary housing units off-site will be the sole responsibility of the applicant, and any off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market-

rate development, but in no event later than three years from the issuance of a building permit for the new development project. No in-lieu fee program is available to comply with either the replacement or inclusionary housing obligations.

During the environmental review process, provisions of the recommended Policy were revised to clarify: (1) the role of the Policy in the entitlement process; (2) the Policy's notice requirements; (3) the Policy provisions regarding improper evictions; (4) the applicable income standards and rent requirements; and (5) compliance with the CDC's monitoring requirements and the website posting requirements for lessees. We do not consider these changes to be substantive.

ENVIRONMENTAL DOCUMENTATION

On June 11, 2007, my office, under a Delegated Authority Agreement, issued a Notice to Proceed to Sapphos Environmental, Inc. to prepare the necessary environmental compliance document to support the proposed Policy. An Initial Study indicated that the project would not have a significant effect on the environment, thus indicating preparation of a Negative Declaration as the appropriate environmental document in accordance with CEQA. In accordance with the CEQA Guidelines, the County encouraged the public to participate in preparation of the environmental analysis for the project. The Notice of Intent to adopt a Negative Declaration and the Negative Declaration were sent to the State Clearinghouse; distributed to various Federal, State, regional, and local government agencies, and circulated to the public for a 30-day review period that began on September 5, 2007, and closed on October 4, 2007. A public Notice of Availability of the Notice of Intent was published in the *Argonaut* and *Los Angeles Times* newspapers. The Notice of Intent to prepare a Negative Declaration was mailed directly to more than 30 agencies, interested parties, and over 8,500 addresses including community of Marina del Rey residents and those located within 1,500 feet thereof. Copies of the Notice of Intent were provided to the Marina del Rey Library, the Burton Chace Park Community Room, the Marina del Rey Visitors and Information Center, and the Department of Beaches and Harbors Administrative Headquarters. The Notice of Availability was posted at the same locations noted above. The Notice of Intent advertised a public scoping meeting for interested parties to receive information about the project and the CEQA process. The community meeting provided an opportunity for the public to submit comments and facilitated early consultation with interested parties in compliance with Section 15082 of the State CEQA Guidelines. The meeting was held on September 19, 2007, at the Burton Chace Park Community Room. Comments received during the review period, responses to the comments and any resulting clarifications and revisions are contained in the Negative Declaration (Exhibit 1).

The Negative Declaration determined that the Policy will have no effect on fish and wildlife.

IMPACT ON CURRENT SERVICES (OR PROJECT)

Approval and implementation of the Policy will not directly impact County services. However, the approval and implementation of the Policy has an impact on County leases that are under negotiation for project sites and will provide additional affordable housing units for low- and moderate-income families within Marina del Rey.

CONCLUSION

Please return one adopted copy of this letter to the Chief Executive Office (Facilities and Asset Management Branch) and one copy to the Department of Beaches and Harbors.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:SW:DL
JSE:SHK:mdc

Attachments

c: County Counsel
Community Development Commission
Department of Beaches and Harbors
Department of Regional Planning

COUNTY OF LOS ANGELES - MARINA DEL REY AFFORDABLE HOUSING POLICY

The Mello Act (Government Code section 65590, *et seq.*) mandates that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone, has the responsibility to require the replacement of housing units occupied by persons or families of low or moderate income when it approves the conversion or demolition of those units, and to require the provision of housing units for persons and families of low or moderate income, where feasible, when it approves new housing developments in the Coastal Zone. The County of Los Angeles (County) is the owner of all real property in the unincorporated territory of Marina del Rey, which includes a small craft harbor and adjacent lands, all within the Coastal Zone. The County leases landside and waterside parcels in Marina del Rey for development. The County is also the primary land use regulatory authority for Marina del Rey through the Marina del Rey Local Coastal Program (LCP), including the Marina del Rey Specific Plan. The LCP, through the Specific Plan, establishes land use policy, development standards and guidelines which are the principal regulatory basis for future development, preservation and reconstruction efforts in Marina del Rey.

The purpose of the County of Los Angeles - Marina del Rey Affordable Housing Policy described herein is limited to ensuring that all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacement units), and creating new affordable housing units (inclusionary units), where feasible, while balancing the County's ability to generate revenues from its Marina ground leases for Countywide public benefit programs.

EXECUTIVE SUMMARY

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the Department of Regional Planning (DRP), the Los Angeles County Community Development Commission (CDC) and the Department of Beaches and Harbors (DBH) made prior to the Regional Planning Commission's consideration of an application for a Coastal Development Permit (CDP) or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy.

The number of new affordable housing units to be constructed as part of any new development within County-owned Marina del Rey shall be 1) reasonably disbursed

throughout the project; 2) comparable in size and design to the market-rate units being developed in the rental component of the new or converted project; and 3) include a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary affordable housing unit will be observed for the term of the lease.

The number of replacement units to be constructed shall be determined based on the results of an income survey to be completed by the CDC on a project-by-project basis. The rental levels of the replacement units identified as part of the income survey shall be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement (i.e. replacement units must be set aside on a like-for-like basis).

The inclusionary housing obligation shall be calculated on the net new incremental units to be constructed as part of the project with a goal of 5% of such newly constructed units being set aside for low income families and 5% reserved for moderate income families based upon an analysis of each project's feasibility.

Determining feasibility of on-site affordable housing for a project must be undertaken on a project-by-project basis. If on-site affordable housing initially appears infeasible, the potential use of density bonuses and other incentives and potential economic aid, such as tax credits and/or below market bond financing or grants should be considered as a means of making on-site affordable housing feasible. County rent adjustments to comply with the affordable housing requirement may be available and are subject to negotiation on a project-by-project basis.

If it is determined by the Regional Planning Commission after careful consideration of a joint recommendation by the DRP, the CDC and the DBH that providing the inclusionary units on-site causes the project to be infeasible by virtue of the applicant being unable to successfully complete the project within a reasonable period of time, taking into account economic, environmental, social and technical factors, then construction of such affordable units may be permitted off-site in the following priority order:

1. In the Coastal Zone within unincorporated territory of Los Angeles County;
2. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;

3. In the Coastal Zone within incorporated territory of Los Angeles County;
or
4. Within three miles of the Coastal Zone in incorporated territory of Los Angeles County.

Replacement units must be provided on-site or within the Coastal Zone where feasible, and if infeasible on-site or within the Coastal Zone, then within three miles of the Coastal Zone with priority given to the unincorporated areas.

The obligation to construct or rehabilitate affordable replacement and/or inclusionary housing units off-site will be the sole responsibility of the applicant. The off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project.

No in-lieu fee program will be available to comply with either the replacement or inclusionary housing obligations.

MELLO ACT REQUIREMENTS

The Mello Act applies to the demolition, conversion and construction of housing within the California Coastal Zone, and is intended to preserve affordable housing for low and moderate income persons and families. The basic requirements imposed by the Mello Act are:

Replacement Housing:	Converted or demolished residential units that are occupied by low or moderate income persons or families must be replaced.
Inclusionary Housing:	New residential projects must provide inclusionary housing units affordable to low or moderate income persons or families, where feasible.
Conversion to Non-Residential Uses:	The County can only approve the demolition or conversion of residential structures for the subsequent development of commercial uses that are not coastal dependent, if it first finds

that a residential use is no longer feasible at that location and otherwise requires compliance with the replacement housing requirement.

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the DRP, CDC and DBH made prior to the Regional Planning Commission's consideration of an application for a CDP under the LCP or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy. Nothing in this policy shall be interpreted as superceding the requirements of the LCP, the Mello Act or any other provisions of State law or the County Code applicable to development in Marina del Rey.

The following sections of this policy identify the County's methodology for fulfilling the replacement and inclusionary housing obligations imposed by the Mello Act.

REPLACEMENT HOUSING

Obligations

The Mello Act requires any residential unit occupied by a low or moderate income person or family to be replaced. Therefore, applicants for discretionary and non-discretionary permits involving the demolition, conversion or construction of housing within Marina del Rey will be required to assist the CDC and/or its affordable housing consultant to complete the following activities:

1. Send a notice to all current occupants that includes:
 - a. A description of the proposed demolition or conversion plan;
 - b. An explanation of the Mello Act provisions and compliance review process; .
 - c. Contact information for a County staff member who can provide additional information to the residents; and

- d. An income survey to be completed by each family and individual occupant to determine the applicant's replacement housing obligation for Mello Act Compliance (see Exhibit I: Financial Information Form and Income Survey). (Note: Income information obtained from individual occupants specifically named on the lease, and their family members/domestic partner will be used exclusively to determine replacement housing eligibility. Financial information obtained from resident(s) subleasing directly from the legal occupant, but not named on the original lease/rental agreement (i.e. non-family roommates), will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance).

This notice shall be given prior to completion of term sheet negotiations and is not intended to serve as or replace any notice relating to the demolition of residential dwelling units or the termination of residential tenancies required to be given pursuant to the California Civil Code or any other provision of State law, the County Code, or as an express condition of the development's CDP or other permit for entitlement.

- 2. Identify the characteristics of each unit in the project as follows:
 - a. Units occupied by resident management employees will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance (with a limit of one management unit per seventy-five residential units).
 - b. Students that are claimed as a dependent on their parent's federal income tax return or whose parent(s) are guarantors on the rental/lease agreement must include parental household income information on the tenant income survey to determine affordable housing eligibility of their unit for the purposes of Mello Act compliance.
 - c. Any vacant unit identified at the commencement of term sheet negotiations with the DBH is deemed to be a market rate unit.
 - d. The Mello Act requires that a residential dwelling unit be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing

of an application to convert or demolish the unit, if the eviction was for the purpose of avoiding the requirements of the replacement housing obligation under the Mello Act. The Mello Act further requires that if a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of the replacement housing obligations under the Mello Act and the applicant shall bear the burden of proving the evictions were not for the purpose of avoiding said requirements. For the purposes of this policy, the presumption period shall run one year prior to the commencement of term sheet negotiations with DBH. If the applicant cannot demonstrate that the tenant(s) were evicted for cause rather than to avoid the Mello Act replacement housing obligations during that period, the unit(s) shall be deemed occupied by a low or moderate income person or family.

- e. Affordable housing eligibility for units with tenants that return an income survey but decline to state any financial information and for tenants that do not respond to the income survey will be determined using tenant income information no more than two years old contained in the applicant's files; or in the absence of such income information, using the average of the previous year's monthly rent compared to the average affordable monthly rental rates for the same year as noted below:
 - i. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a very-low income household, the unit will be considered to be occupied by a very-low income person or family.
 - ii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a low income household, the unit will be considered to be occupied by a low income person or family.
 - iii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a moderate income

- household, the unit will be considered to be occupied by a moderate income person or family.
- iv. If the average monthly rent for the unit is greater than the average monthly affordable rent for a moderate income household, the unit will be deemed to be a market-rate unit.
 - f. Unmarried and unrelated tenants who wish to be treated as separate individuals rather than as a household must declare under penalty of perjury the following:
 - i. They are not registered domestic partners;
 - ii. Neither party claims employment benefits received by the other party (i.e. health insurance, etc.);
 - iii. They do not share a bank account; and
 - iv. They do not own real property together.
 - 3. The CDC shall submit to the Regional Planning Commission the following information for each project involving the demolition, conversion or construction of housing within Marina del Rey:
 - a. Confirmation of household income level of the persons or families in accordance with California Health and Safety Code standards.
 - b. Identification of unit(s) deemed occupied by persons or families of low or moderate income pursuant to section 2.c., above.
 - c. Identification of the number of bedrooms in the unit eligible for replacement pursuant to the Mello Act. When an occupant is determined to be of low or moderate income, but other occupants within the same unit are above-moderate income, the replacement obligation is limited to one bedroom.

Methods of Compliance

- 4. The applicant is required to replace each unit that is determined to be occupied by low or moderate income persons or families on a one-for-one basis (per

number of bedrooms). The replacement units must adhere to the following requirements:

- a. The replacement unit must be of comparable size and design to the market-rate units being developed in the rental component of the new or converted project.
 - b. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy.
 - c. The replacement housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density bonus set aside does not fully satisfy replacement and/or inclusionary housing obligations required under the Mello Act.
5. Replacement units shall be set aside on a like-for-like basis from a comparison of the monthly rent at the commencement of term sheet negotiations for the unit to be demolished or converted to the affordable housing rental rates published annually by the CDC.
 6. Applicants must provide the identified replacement housing units on-site or elsewhere within the Coastal Zone unless the applicant can demonstrate that such placement is not feasible.
 - a. The project feasibility analysis must include:
 - i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs.
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the average capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.

- iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.
- b. If on-site or Coastal Zone replacement is determined to be infeasible, the units shall be provided at an off-site location in the following priority order:
 - i. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County; or
 - ii. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
- c. Off-site units can be new construction or the substantial rehabilitation of existing units. The obligation to construct or rehabilitate affordable replacement housing units off-site will be the sole responsibility of the applicant.
- d. No in-lieu fee program will be available to comply with the replacement housing obligations.

INCLUSIONARY HOUSING

The Mello Act requires new residential development to provide affordable housing units where feasible (inclusionary units). The County will require applicants to meet the following standards:

- 7. The inclusionary housing obligation will be imposed separately from any replacement housing obligations being applied to the project.
- 8. The inclusionary units must be reasonably dispersed throughout the rental unit component of the project, and the unit sizes and design must be comparable to market rate rental units included in the project.
- 9. The on-site inclusionary housing obligation will be calculated based upon the net incremental new units (fractional units under 0.5 are to be rounded down) to be constructed or converted in the following manner:

- a. The applicant must set aside a percentage of the new units as affordable units, subject to an analysis of the project's feasibility on a project-by-project basis. The County's goal is to have each applicant set aside 5% of the units for low income households and 5% reserved for moderate income households.
 - b. If the applicant requests and is eligible for a density bonus, the inclusionary unit requirement will be calculated off the pre-bonus number of units.
 - c. The inclusionary housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density bonus set aside does not fully satisfy the replacement and/or inclusionary housing obligations required under the Mello Act.
10. The applicant must provide a project feasibility analysis in support of its proposed inclusionary housing obligation.
- a. The project feasibility analysis must include:
 - i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs. (Note: County rent adjustments to comply with the inclusionary housing requirement are subject to negotiation on a project-by-project basis).
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.
 - iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.

- b. If on-site development of the inclusionary housing units is determined to be infeasible based upon the project feasibility analysis, the units must be provided at an off-site location in the following priority order:
 - i. In the Coastal Zone within the unincorporated territory of Los Angeles County;
 - ii. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;
 - iii. In the Coastal Zone within the incorporated territory of Los Angeles County; or
 - iv. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
- c. The off-site inclusionary units can be new construction or substantial rehabilitation. The obligation to construct or rehabilitate affordable housing inclusionary units off-site will be the sole responsibility of the applicant.
- d. No in-lieu fee program will be available to comply with the inclusionary housing obligations.

CONVERSION TO NON-RESIDENTIAL USES

In accordance with Mello Act requirements, the County will evaluate proposals to demolish or convert residential structures for the subsequent development of commercial uses that are not coastal dependent. No project will be approved unless the County determines that a residential use is no longer feasible at the proposed location. All such projects shall fully comply with the replacement housing obligations as set forth above.

ADDITIONAL PROVISIONS

11. The affordable income and rent requirements for replacement and inclusionary units will be determined as follows:

- a. The income standards for very low, low and moderate income households will be based on California Health and Safety Code standards, as adjusted and annually published by the California Department of Housing and Community Development.
 - b. The affordable rents and utility allowance schedule will be published by CDC on an annual basis (See Exhibit II: Income and Rent Limits – 2007).
 - c. A "unit" shall consist of a group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes, together with the land and buildings appurtenant thereto, and all housing services (services connected with the use and occupancy of a unit, including but not limited to utilities (if also provided to the market rate units) ordinary repairs or replacement, maintenance (including painting), elevator service, laundry facilities, common recreational facilities, janitor service, resident manager, refuse removal, and all privileges, benefits, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities).
 - d. The affordable rent as published by the CDC, less the corresponding utility allowance, as applicable, shall be the maximum amount charged for occupancy of a "unit". There shall be no separate, additional charges for use and occupancy of a unit or for housing services related thereto, including, but not limited to charges for parking spaces required to be assigned to the unit as a condition of the CDP or other land use entitlement permit.
12. The tenant survey must be approved by the CDC during lease negotiations for County owned properties. If more than one year passes after approval of the original tenant survey, the survey must be updated and resubmitted as part of the County's Regional Planning application process for a CDP. The replacement housing obligation will be set at the higher result of the two surveys.
13. The applicant must submit an Affordable Housing Plan to the County; no Building Permits will be issued for the project until the County approves the Plan.
14. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary unit will be

observed for the term of the lease from the issuance of the Certificate of Occupancy.

15. The applicant will be required to comply with the County's monitoring requirements annually throughout the covenant term which shall include a marketing plan to be approved by the CDC that will require, among other things, posting the availability of the affordable housing units on the CDC website at www.housing.lacounty.gov.
16. If replacement and/or inclusionary units are provided off-site, the off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project. The Certificate of Occupancy for the new market rate development project will be withheld until the off-site affordable housing units are ready for occupancy.
17. Ownership Units
 - a. If an applicant is proposing to develop a project that includes rental and ownership units, the replacement and inclusionary units may all be provided in the rental component;
 - b. If an applicant is proposing to develop a 100% ownership unit project, the applicant may provide rental units on-site to fulfill the replacement and inclusionary obligations.
18. The CDC will levy the following fees:
 - a. The costs associated with engaging a consultant to undertake the tenant survey and evaluation will be funded by the applicant.
 - b. The costs associated with completing or auditing the project feasibility analysis will be funded by the applicant.
 - c. An annual fee of \$125 per affordable unit will be charged to defray the ongoing compliance inspection and reporting costs associated with the replacement and inclusionary units. This fee will be adjusted annually in accord with changes in the Consumer Price Index (CPI).

COASTAL HOUSING PROGRAM TENANT QUESTIONNAIRE

The ownership of _____ has applied to the County of Los Angeles (County) for approval of a Coastal Development Permit (CDP) to authorize the redevelopment of the _____ apartments. The ownership proposes to demolish the existing _____ apartment units and construct a new apartment project on the site containing _____ rental units.

In 1981, the California Legislature adopted the Mello Act (Government Code section 65590, et seq.), which provides that the demolition of existing dwelling units in the Coastal Zone occupied by low or moderate income households shall not be approved unless the replacement of those units is required with units designated as affordable to low or moderate income households. **The replacement units, if required, will be generally available to the public, rather than to specific individuals.**

To determine the number of units that must be replaced, the County needs income information from the current tenants of _____. The County must receive income information separately from each family (related persons) and each unrelated adult living in your apartment. Please assist us by providing the information requested below and, if it is applicable, also complete the enclosed Financial Information form.

IF YOU DO NOT PROVIDE THIS INFORMATION, IT IS POSSIBLE THAT FEWER UNITS IN THE NEW PROJECT WILL BE DESIGNATED AS AFFORDABLE HOUSING.

All financial information that you provide will remain confidential. If you have any questions, or need additional questionnaires and forms for unrelated individuals, please contact the Community Development Commission at _____. Thank you in advance for your cooperation.

Number of occupants living in your apartment unit: _____.

Please circle the income category that comes closest to the combined gross annual income from all sources of all family members (all related persons living in your apartment unit) based on family size without going over.

Family Size	Less than Low Income	Less than Moderate Income	Greater than Moderate Income
1	< \$39,300	< \$47,200	> \$47,200
2	< \$45,000	< \$53,900	> \$53,900
3	< \$50,600	< \$60,700	> \$60,700
4	< \$56,200	< \$67,400	> \$67,400
5	< \$60,700	< \$72,800	> \$72,800
6	< \$65,200	< \$78,200	> \$78,200

Source: 2007 State income limits--California Department of Housing & Community Development

OR check the following: **DECLINE TO STATE** ☐

If you answered that your combined family income from all sources (including wages, salary, tips, interest and investment income, proceeds from the sale of a home or other real estate transaction, social security, pension, governmental or spousal support and child support) is **LESS** than the amounts in the table, **please complete the attached Financial Information form.**

If you answered that your income is **GREATER** than the amount in the table, or you **Declined to State** your income, **do not** complete the attached Financial Information form, but please **do** sign and date this questionnaire below.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature: _____ Date: _____

Print Name: _____ Street Address: _____ Apt.# _____

TENANT FINANCIAL INFORMATION

If you indicated on the previous page that your annual income is less than the dollar amount shown for your family size category, please complete the financial information requested below and return this form with the attached questionnaire in the enclosed envelope. Each family member and/or unrelated adult living in your apartment should complete a separate Financial Information form.

Your Name: _____

Date of Birth: _____ Home #: (____) _____ Work #: (____) _____

Building Complex Name: _____ # of Bedrooms: _____

Person(s) Living in Apartment Unit:

<u>Name of Person</u>	<u>Relationship to You</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you and any person(s) listed above married or registered with the State of California as domestic partners? YES NO

Source(s), Amount of Household Income (Gross):

	(Yourself)	(Other Household / Family Members)
Wages	\$_____ mo.	\$_____ mo.
Pension/Retirement	\$_____ mo.	\$_____ mo.
Social Security	\$_____ mo.	\$_____ mo.
SSI	\$_____ mo.	\$_____ mo.
Child/Spousal Support	\$_____ mo.	\$_____ mo.
Disability	\$_____ mo.	\$_____ mo.
Interest Income	\$_____ mo.	\$_____ mo.
Other _____	\$_____ mo.	\$_____ mo.

The value of your assets, except for necessary items such as automobiles and furniture, are considered in determining your income. Therefore, please provide below the total dollar value of the various types of assets listed below that you own and the interest rate or rate of return.

Total Amount

What is the current balance of your checking account? \$ _____

What is the current balance of your savings account? \$ _____

What is the value of your stock/bond portfolio? \$ _____

What is the estimated value of any real property you own? \$ _____

Are you a full-time student, 18 years of age or older? YES NO

Do your parents serve as guarantors on your rental or lease agreement? YES NO

Did your parents declare you this year as a dependent on their Federal Income Tax Return? YES NO

If your parents intend to declare you as a dependent on their Federal Income Tax Return for this year, please indicate below: (1) the number of persons in your family, and (2) the combined gross annual income of your parents and you.

Family Size: _____ Combined Gross Annual Income: _____

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature

Date

COMMUNITY DEVELOPMENT COMMISSION OF THE COUNTY OF LOS ANGELES

Exhibit II

INCOME AND RENT LIMITS - 2007

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
30%								
50%	25,990	29,600	33,300	37,000	39,950	42,900	45,900	48,850
60%	31,080	35,520	39,960	44,400	47,940	51,480	55,080	58,620
80%	41,450	47,350	53,300	59,200	63,950	68,650	73,400	78,150
HUD Median 100% (2)	51,980	59,200	66,600	74,000	79,900	85,800	91,800	97,700
HUD 120% of Median (2)	62,376	71,040	79,920	88,800	95,880	102,960	110,160	117,240
HCD-State Median 100% (1)*	39,300	45,000	50,600	56,200	60,700	65,200	69,700	74,200
HCD-State 120% of Median (1)*	47,200	53,900	60,700	67,400	72,800	78,200	83,600	89,000

	Occupancy		0-bedroom	1-bedroom	2-bedroom	3-bedroom	4-bedroom	5-bedroom	6-bedroom
	Factor								
HCD-State (50%) (1)*	1+1		495	565	635	705	765		
LOW-HOME (50%)*	1.5		647	693	832	961	1,072	1,184	1,295
TAX CREDIT (50%)*	1.5		647	693	832	961	1,072	1,184	1,295
City of Industry (50%)*	1+1		647	740	833	925	999	1,073	1,148
BOND (50%)*	1+1		647	740	832	925	999	1,073	1,148
HCD-State (60%) (1)*	1+1		590	674	759	843	910		
TAX CREDIT (60%)*	1.5		777	833	999	1,154	1,287	1,421	1,475
HIGH-HOME*	1.5		821	882	1,061	1,217	1,338	1,457	1,578
BOND (60%)*	1+1		777	888	999	1,110	1,199	1,287	1,377
BOND (80%)*	1+1		1,036	1,184	1,333	1,480	1,599	1,716	1,835
HCD-State (80%) (1)*	1+1		690	785	885	985	1,060		
HUD Median 100% (2)	1+1		1,300	1,480	1,665	1,850	1,998	2,145	2,295
HUD 120% of Median (2)	1+1		1,559	1,776	1,998	2,220	2,397	2,574	2,754
HCD-State: 80% to 120% of Median (1)*	1+1		1,081	1,238	1,392	1,546	1,669	1,793	1,917

*MUST SUBTRACT UTILITY ALLOWANCE FROM LISTED RENT AMOUNT TO GET ACTUAL RENT AMOUNT TO CHARGE TENANT

**ACTUAL RENT CHARGED TO TENANT - NO UTILITY ALLOWANCE ADJUSTMENT MADE UNLESS PROJECT SPECIFICALLY REQUIRES IT FOR PROJECTS BEFORE 1-1-03

(1)* Income limits and rents for "unassisted" developments with density bonuses. Income limits are also to be used when income-qualified buyers are assisted with tax increment funds only

(2) The numbers shown are not published by HUD and are extrapolations from the income published by HUD for 50% of median income.

MARINA DEL REY AFFORDABLE HOUSING POLICY
NEGATIVE DECLARATION

PREPARED FOR:

COUNTY OF LOS ANGELES
KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 754
LOS ANGELES, CA 90012

PREPARED BY:

SAPPHOS ENVIRONMENTAL, INC.
133 MARTIN ALLEY
PASADENA, CALIFORNIA 91105

JANUARY 2008

TABLE OF CONTENTS

SECTIONS	PAGE
1.0 PROJECT DESCRIPTION	1-1
1.1 Project Title	1-1
1.2 Lead Agency	1-1
1.3 Primary Contact Person	1-1
1.4 Project Description	1-1
1.5 Proposed Policy Location	1-5
1.6 General Plan Land Use Designation	1-6
1.7 Zoning	1-6
1.8 Existing Conditions	1-6
1.9 Statement of Objectives	1-8
2.0 ENVIRONMENTAL CHECKLIST	2-1
2.1 Aesthetics	2-3
2.2 Agricultural Resources	2-3
2.3 Air Quality	2-4
2.4 Biological Resources	2-4
2.5 Cultural Resources	2-5
2.6 Geology and Soils	2-6
2.7 Hazards and Hazardous Materials	2-7
2.8 Hydrology and Water Quality	2-8
2.9 Land Use and Planning	2-9
2.10 Mineral Resources	2-9
2.11 Noise	2-10
2.12 Population and Housing	2-11
2.13 Public Services	2-11
2.14 Recreation	2-12
2.15 Transportation/Traffic	2-12
2.16 Utilities and Service Systems	2-13
2.17 Mandatory Findings of Significance	2-13
3.0 ENVIRONMENTAL ANALYSIS	3-1
3.1 Aesthetics	3.1-1
3.2 Agricultural Resources	3.2-1
3.3 Air Quality	3.3-1
3.4 Biological Resources	3.4-1
3.5 Cultural Resources	3.5-1
3.6 Geology and Soils	3.6-1
3.7 Hazards and Hazardous Materials	3.7-1
3.8 Hydrology and Water Quality	3.8-1
3.9 Land Use and Planning	3.9-1
3.10 Mineral Resources	3.10-1
3.11 Noise	3.11-1
3.12 Population and Housing	3.12-1
3.13 Public Services	3.13-1
3.14 Recreation	3.14-1

3.15	Transportation and Traffic.....	3.15-1
3.16	Utilities and Service Systems	3.16-1
4.0	REFERENCES	4-1
5.0	REPORT PREPARATION PERSONNEL	5-1
5.1	County of Los Angeles	5-1
5.2	Sapphos Environmental, Inc.....	5-1

TABLES

PAGE

3.7-1	Hazardous Waste Sites in Marina del Rey, as Listed in Federal, State, and Local Databases.....	3.7-3
3.12-1	Marina del Rey Unit Counts and Vacancies	3.12-3
3.12-2	Relocation Timeframes	3.12-3

FIGURES

FOLLOWS PAGE

1.4-1	Marina del Rey Land Use Plan Area	1-3
1.4-2	Marina del Rey Street Addresses and Dock Numbers.....	1-3
1.5-1	Unincorporated and Incorporated Areas within the Coastal Zone and 3 Miles Thereof	1-5

APPENDICES

A	Marina del Rey Affordable Housing Policy, dated June 19, 2007
B	Memorandum for the Record No. 3, dated November 21, 2007 (Subject: Public Comments and September 19, 2007 Community Meeting on the Proposed Negative Declaration)
C	Marina del Rey Affordable Housing Policy, dated November 16, 2007

SECTION 1.0

PROJECT DESCRIPTION

Consistent with the requirements of Section 15124 of the State of California Environmental Quality Act (CEQA) Guidelines, this section of the Negative Declaration describes the proposed Marina del Rey Affordable Housing Policy (proposed policy), including the location and boundaries of the area affected by the proposed policy refinements; existing conditions within the area affected by the proposed policy refinements; a statement of the County of Los Angeles (County) objectives related to the proposed policy refinements; and technical, economic, and environmental characteristics.¹

1.1 PROJECT TITLE

Marina del Rey Affordable Housing Policy

1.2 LEAD AGENCY

County of Los Angeles
500 West Temple Street, Room 754
Los Angeles, California 90012

1.3 PRIMARY CONTACT PERSON

Mr. Santos H. Kreimann, Deputy Director
County of Los Angeles Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, California 90292
Telephone: (310) 305-9536
Fax: (310) 821-8155

1.4 PROJECT DESCRIPTION

The Mello Act (Government Code section 65590, *et seq.*) mandates that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone, has the responsibility to require the replacement of housing units occupied by persons or families of low or moderate income when it approves the conversion or demolition of those units, and to require the provision of housing units for persons and families of low or moderate income, where feasible, when it approves new housing developments in the Coastal Zone. The County is the owner of all real property in the unincorporated territory of Marina del Rey, which includes a small craft harbor and adjacent lands, all within the Coastal Zone. The County leases landside and waterside parcels in Marina del Rey for development. The County is also the primary land use regulatory authority for Marina del Rey through the Marina del Rey Local Coastal Program (LCP), including the Marina del Rey Specific Plan. The LCP, through the Specific Plan, establishes land use policy, development standards, and guidelines that are the principal regulatory basis for future development, preservation, and reconstruction efforts in Marina del Rey.

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

CEQA Public Review Process

In June 2007, the preliminary Marina del Rey Affordable Housing Policy (Appendix A, *Marina del Rey Affordable Housing Policy, dated June 19, 2007*) was prepared and an Initial Study prepared to assess the potential for the proposed policy to result in significant impacts on the environment. As a result of that analysis, the County of Los Angeles determined that the proposed policy would not be expected to result in significant adverse impacts to the environment and prepared a proposed Negative Declaration for review by trustee and responsible agencies, interested parties, and the public. The proposed Negative Declaration was circulated for public review between September 5, 2007 and October 4, 2007. Although not required, the County hosted a community workshop on September 19, 2007 to present the proposed Marina del Rey Affordable Housing Policy. The County of Los Angeles has reviewed the letters of comments and comments received at the community workshop and prepared responses to the comments [Appendix B, *Memorandum for the Record No. 3, dated November 21, 2007 (Subject: Public Comments and September 19, 2007 Community Meeting on the Proposed Negative Declaration)*]. The County has incorporated clarifications and revisions to the proposed policy in response to comments received from the public (Appendix C, *Marina del Rey Affordable Housing Policy, dated November 16, 2007*).

Summary of the Proposed Marina del Rey Affordable Housing Policy

The purpose of the Marina del Rey Affordable Housing Policy described herein is limited to ensuring that all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacement units), and creating new affordable housing units (inclusionary units), where feasible, while balancing the County's ability to generate revenues from its Marina ground leases for Countywide public benefit programs.

The Mello Act applies to the demolition, conversion, and construction of housing within the California Coastal Zone, and is intended to preserve affordable housing for low- and moderate-income persons and families. Basic requirements of the Mello Act are: 1) converted or demolished residential units that are occupied by low- or moderate-income persons or families must be replaced; 2) new residential projects must provide inclusionary housing units affordable to low- or moderate-income persons or families, where feasible; and 3) the County can only approve the demolition or conversion of residential structures for the subsequent development of commercial uses that are not coastal dependent, if it first finds that a residential use is no longer feasible at that location and otherwise requires compliance with the replacement housing requirements. Mello Act obligations for new development in Marina del Rey would be determined by the Regional Planning Commission based upon a joint recommendation by the Department of Regional Planning (DRP), the Los Angeles County Community Development Commission (CDC), and the Department of Beaches and Harbors (DBH) made prior to the Regional Planning Commission's consideration of an application for a Coastal Development Permit (CDP) under the LCP or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on the proposed policy. Nothing in this policy shall be interpreted as superceding the requirements of the LCP, the Mello Act, or any other provisions of state law or the County Code applicable to development in Marina del Rey.

New affordable housing units to be constructed as part of any development within County-owned Marina del Rey shall be: 1) reasonably disbursed throughout the project, 2) comparable in size and design to the market-rate units being developed in the rental component of the new or converted project, and 3) include a covenant guaranteeing that the relevant affordable income and rent

requirements for each replacement and inclusionary affordable housing unit would be observed for the term of the lease.

The proposed Marina del Rey Affordable Housing Policy applies to the community of Marina del Rey, located in the unincorporated territory of the County of Los Angeles, California (Figure 1.4-1, *Marina del Rey Land Use Plan Area*). The proposed Marina del Rey Affordable Housing Policy has been drafted to provide guidance to the development community with respect to compliance with the Mello Act for development projects within the Marina del Rey Land Use Plan area. The proposed refinements to the existing policy support the market demand for new development and redevelopment within Marina del Rey (Figure 1.4-2, *Marina del Rey Street Addresses and Dock Numbers*).

Replacement Housing Units













The Mello Act requires any residential unit occupied by a low- or moderate-income person or family to be replaced. Therefore, applicants for discretionary and non-discretionary permits involving the demolition, conversion, or construction of housing within Marina del Rey would be required to assist the CDC and/or its affordable housing consultant with sending a notice to all current occupants. This notice would be given prior to completion of term sheet negotiations and would not be intended to serve as or replace any notice relating to the demolition of residential dwelling units or the termination of residential tenancies required to be given pursuant to the California Civil Code or any other provision of state law, the County Code, or as an express condition of the development's CDP or other permit for entitlement.

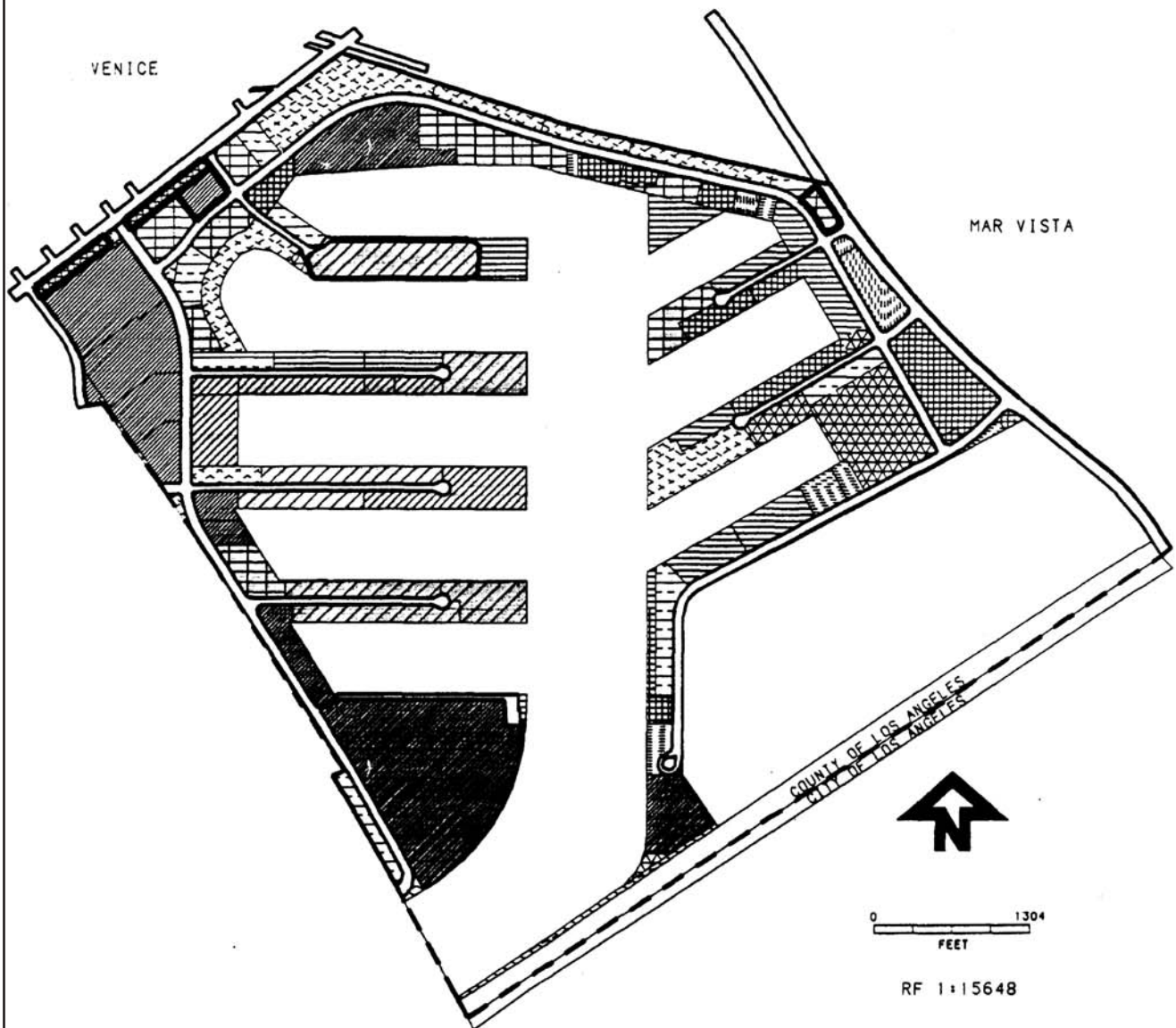
In addition to sending a notice to all current occupants, the proposed policy requires applicants to identify the characteristics of each unit in the project to determine the eligibility of such unit as an affordable housing unit. The Mello Act requires that a residential dwelling unit be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit, if the eviction was for the purpose of avoiding the requirements of the replacement housing obligation under the Mello Act. The Mello Act further requires that if a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of the replacement housing obligations under the Mello Act and the applicant shall bear the burden of proving the evictions were not for the purpose of avoiding said requirements. For the purposes of the proposed policy, the presumption period would run one year prior to the commencement of term sheet negotiations with DBH. If the applicant cannot demonstrate that the tenant(s) were evicted for cause rather than to avoid the Mello Act replacement housing obligations during that period, the unit(s) would be deemed occupied by a low- or moderate-income person or family.

The proposed Marina del Rey Affordable Housing Policy would require the replacement housing obligation to be determined based on the results of an income survey to be completed by the CDC on a project-by-project basis. If the occupants' income is not determinable through the income survey or current records of the landlord, average monthly rent paid by current occupants would determine the replacement obligation. Rental levels of the replacement units identified as part of the income survey would be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement. For instance, replacement units would be set aside on a like-for-like basis, meaning that if the occupants' income is at or below the income threshold for a moderate- or low-income household, a replacement unit must be set aside for a moderate- or low-

LAND USE PLAN

MAP 7

	RESIDENTIAL III		MARINE COMMERCIAL		PARKING
	RESIDENTIAL IV		BOAT STORAGE		WATER
	RESIDENTIAL V		OPEN SPACE		WATERFRONT OVERLAY
	HOTEL		PUBLIC FACILITIES		MIXED USE OVERLAY
	OFFICE		VISITOR-SERVING/CONVENIENCE COMMERCIAL		

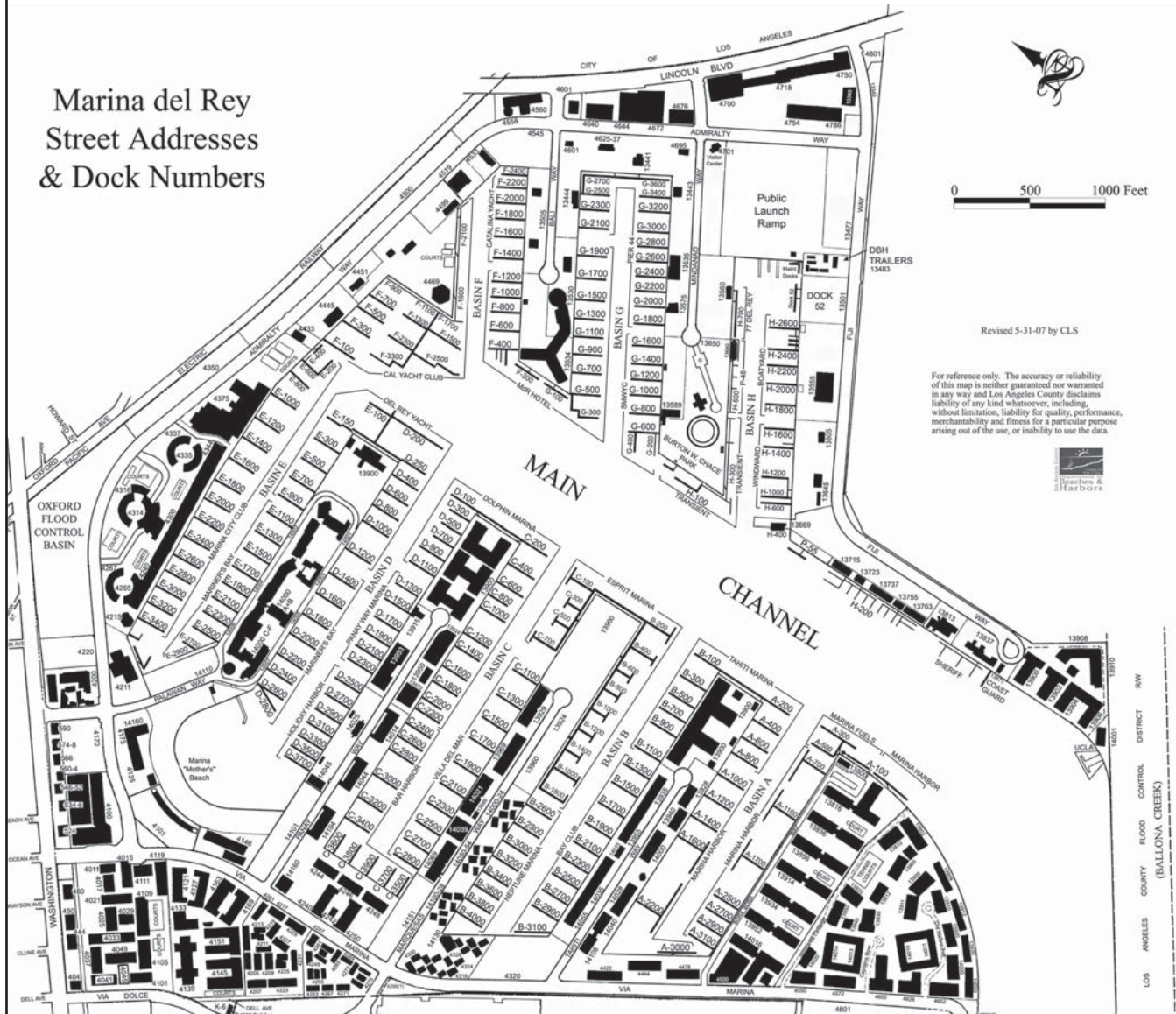


SOURCE: County of Los Angeles Department of Regional Planning



FIGURE 1.4-1
Marina del Rey Land Use Plan Area

Marina del Rey Street Addresses & Dock Numbers



SOURCE: Los Angeles County Department of Beaches & Harbors



FIGURE 1.4-2
Marina del Rey Street Addresses and Dock Numbers

income household, respectively. Likewise, if average monthly rent is used to determine replacement, if the average monthly rent for the existing unit is less than or equal to the average monthly affordable rent for a moderate- or low-income household, the unit would be considered to be occupied by a moderate- or low-income household, respectively. In addition, replacement units must be provided on site or within the California Coastal Zone where feasible, and if infeasible on site or within the California Coastal Zone, then within 3 miles of the California Coastal Zone with priority given to the unincorporated areas of the County of Los Angeles. Off-site units can be new construction or the substantial rehabilitation of existing units. However, the obligation to construct or rehabilitate affordable replacement housing units off-site would be the sole responsibility of the applicant.

Inclusionary Housing Units

The Mello Act requires new residential development to provide affordable housing units where feasible. The proposed Marina del Rey Affordable Housing Policy would require the inclusionary housing obligation to be: (1) imposed separately from any replacement housing obligations being applied to the project; (2) reasonably dispersed throughout the rental unit component of the project in a way that the unit sizes and design must be comparable to market-rate rental units included in the project; and (3) calculated on the net new incremental units to be constructed as part of the project, with a goal of 5 percent for such newly constructed units being set aside for low-income families and 5 percent reserved for moderate-income families based upon an analysis of each project's feasibility.

The proposed Marina del Rey Affordable Housing Policy requires the applicant to provide a project feasibility analysis in support of its proposed inclusionary housing obligation. The on-site affordable housing feasibility analysis for a project must be undertaken on a project-by-project basis. If on-site affordable housing initially appears infeasible, the potential use of density bonuses and other incentives and potential economic aids would be considered as a means of making on-site affordable housing feasible. If on-site development of the inclusionary housing units is determined to be infeasible based on the project feasibility analysis, the units must be provided at an off-site location within the California Coastal Zone where feasible, and if infeasible within the California Coastal Zone, then within 3 miles of the California Coastal Zone with priority given to the unincorporated areas of the County of Los Angeles. Pursuant to the proposed Marina del Rey Affordable Housing Policy, the off-site inclusionary units can be new construction or substantially rehabilitated existing units. The obligation to construct or rehabilitate affordable housing inclusionary units off site would be the sole responsibility of the applicant.

The off-site affordable housing units would be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market-rate development, but in no event later than three years from the issuance of a building permit for the new development project. No in-lieu fee program will be available to comply with either the replacement or inclusionary housing obligations.

Inclusionary and Replacement Housing Determination Example

As an example of how the inclusionary and replacement housing would be determined, assume that a 500-unit project would replace an existing 200-unit project. The tenants of the 200 existing units would be surveyed to establish their family or individual income, as the case may be, to establish the replacement obligation. If, for example, the survey identifies 20 families or individuals who have low or moderate incomes, then the replacement obligation would be 20 units. If 10 of

these families had low incomes, and the other 10 families had moderate incomes, then the 20-unit replacement obligation would be 10 low-income units and 10 moderate-income units. The 300 additional units would be subject to the inclusionary requirement. For these 300 units, 5 percent (15 units) would be set aside as low-income units and 5 percent (15 units) would be set aside as moderate-income units. In this way, the existing low- and moderate-income units would be replaced and, in addition, new low- and moderate-income units would be developed.

Conversion to Non-Residential Uses

In accordance with Mello Act requirements, the proposed Marina del Rey Affordable Housing Policy requires the County to evaluate proposals to demolish or convert residential structures for the subsequent development of commercial uses that are not coastal dependent. If projects are approved by the County for their conversions to non-residential uses, such projects are required to comply with the replacement housing obligations set forth in the proposed policy.

Additional Provisions

The proposed Marina del Rey Affordable Housing Policy requires the affordable income and rent requirements for replacement and inclusionary units to be determined by the rent and income standards set by the California Department of Housing and Community Development (HCD)^{2,3,4} and the CDC based on the California Health and Safety Code requirements. The tenant survey used to determine the replacement housing obligation of a project must be approved by the CDC during lease negotiations and must be updated and resubmitted as part of the County's Regional Planning application process for a CDP. In addition, the proposed policy requires the applicant to submit an Affordable Housing Plan to the County, without the approval of which, no building permits would be issued for the project. To ensure accessibility to affordable housing units, the proposed policy requires the applicant to post the availability of such units on the CDC Web site: www.housing.lacounty.gov. For a project that includes rental and ownership units, the replacement and inclusionary units may all be provided in the rental component. For a 100 percent ownership unit project, the applicant may provide rental units on-site to fulfill the replacement and inclusionary obligations, pursuant to the proposed policy. Any costs associated with tenant survey and evaluation, the project feasibility analysis, and compliance monitoring and reporting will be funded by the applicant.

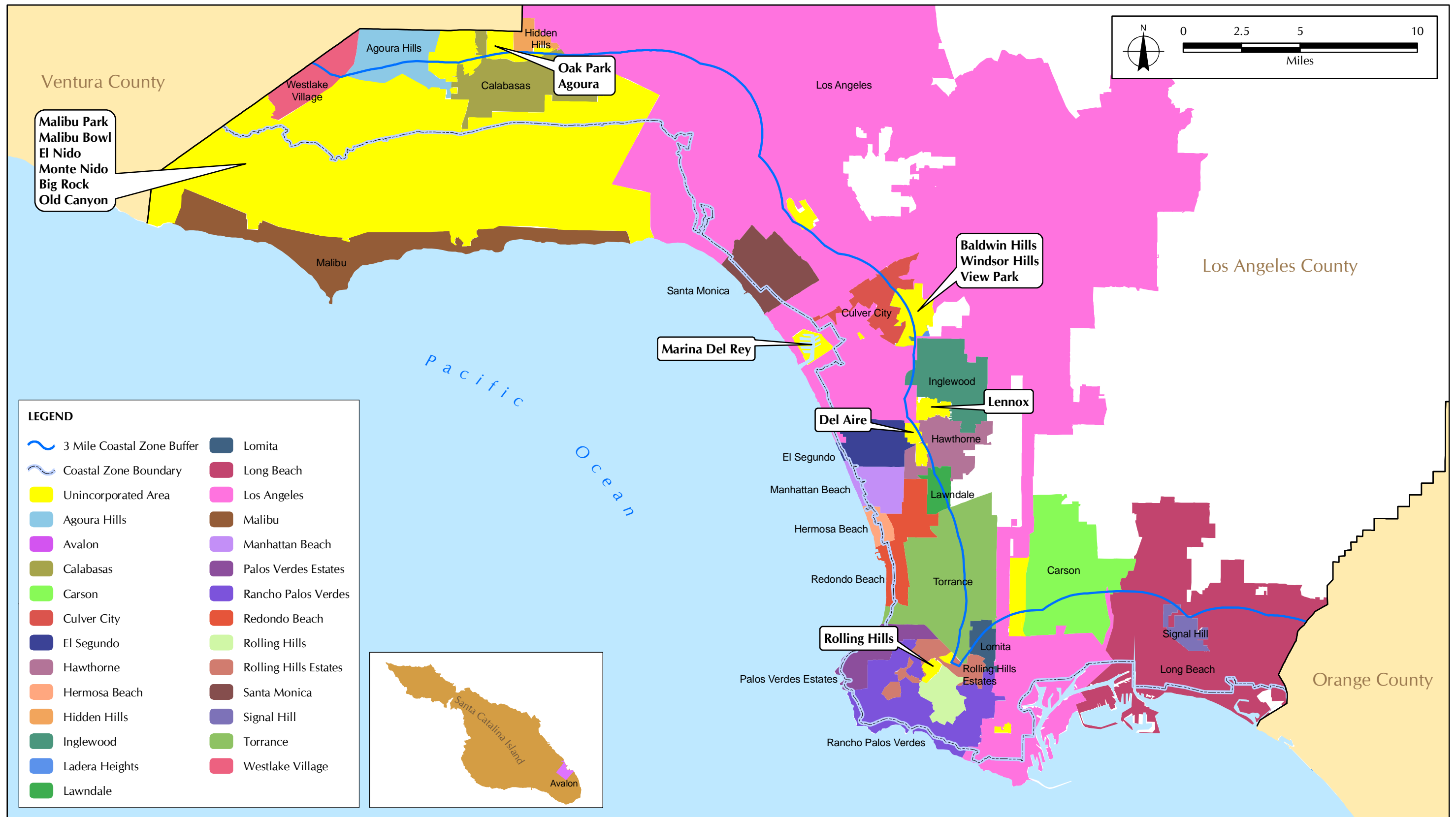
1.5 PROPOSED POLICY LOCATION

The proposed policy's focus is in the unincorporated community of Marina del Rey, within the County of Los Angeles. However, should project proponents demonstrate that it is infeasible to accomplish the policy goals within Marina del Rey, other unincorporated areas of the Coastal Zone within Los Angeles County, and areas within 3 miles of that boundary, would be explored (Figure 1.5-1, *Unincorporated and Incorporated Areas within the Coastal Zone and 3 Miles Thereof*). If it is infeasible to accomplish the policy goals in the unincorporated areas within the Coastal Zone

² California Department of Housing and Community Development. 18 April 2007. *Official State Income Limits for 2007*. Sacramento, CA. Available at: <http://www.hcd.ca.gov/hpd/hrc/rep/state/inc2k7.pdf>

³ California Department of Housing and Community Development. Accessed on 11 December 2007. *State CDBG's and Home's Table of 2007 Income Limits*. Sacramento, CA: Available at: http://www.hcd.ca.gov/hpd/hrc/rep/state/cdbg_home07.pdf

⁴ California Department of Housing and Community Development. August 2006. *Home – Long-term Monitoring*. Sacramento, CA. Available at: http://www.hcd.ca.gov/fa/home/CHDO-Management_Questionnaire.doc



Incorporated and Unincorporated Areas within a 3-mile Radius of the Coastal Zone

and its 3-mile buffer, then incorporated areas of the Coastal Zone would be considered. The unincorporated areas within the Coastal Zone and 3 miles thereof include the communities of Oak Park, Agoura, Malibu Park, Malibu Bowl, El Nido, Monte Nido, Big Rock, Old Canyon, Lennox, Del Aire, and Rolling Hills. The majority of Topanga State Park and the Santa Monica Mountains Recreation Area, which are dedicated to open space use only, are located within the Coastal Zone. Incorporated areas within the Coastal Zone and 3 miles thereof include Agoura Hills, Avalon, Calabasas, Carson, Culver City, El Segundo, Hawthorne, Hermosa Beach, Hidden Hills, Inglewood, Lawndale, Lomita, Long Beach, Los Angeles, Malibu, Manhattan Beach, Palos Verdes Estates, Rancho Palos Verdes, Redondo Beach, Rolling Hills, Rolling Hills Estates, Santa Monica, Signal Hill, Torrance, and Westlake Village. The City of Los Angeles borders Marina del Rey on the north, east, and south. Playa del Rey is located to the south and the community of Venice is located to the north. The City of Culver City is located east of the City of Los Angeles beyond the eastern boundary of Marina del Rey.

1.6 GENERAL PLAN LAND USE DESIGNATION

The County of Los Angeles General Plan determines specific land uses in unincorporated areas of the County.⁵ The Housing element of the General Plan specifically addresses affordable housing and describes measures, such as density bonuses and expediting of permits, to help remedy affordable housing shortages.⁶ The California Coastal Act requires Coastal Zone communities to have a coastal land use plan that is certified by the California Coastal Commission and is the governing document for land use in coastal communities. All projects undertaken in the unincorporated area of Marina del Rey that are located within the Coastal Zone are subject to the adopted LCP, including the Marina del Rey Land Use Plan. The Land Use Plan establishes detailed land use policy and development standards within the Marina del Rey area.⁷ The Marina del Rey Specific Plan, also a part of the LCP, constitutes the primary implementation mechanism for the Marina del Rey Land Use Plan. The Specific Plan constitutes the most detailed interpretation of General Plan policy for Marina del Rey.

1.7 ZONING

The Marina del Rey Specific Plan provides the following zoning designations: Residential III, Residential IV, Residential V, Hotel, Office, Marine Commercial, Boat Storage, Open Space, Public Facilities, Visitor-Serving/Convenience Commercial, Parking, Water, Waterfront Overlay, and Mixed Use Overlay.⁸

1.8 EXISTING CONDITIONS

The southern boundary of Marina del Rey is bounded by Ballona Creek, which runs roughly north/south and empties into the Santa Monica Bay in the Pacific Ocean. The area was originally a tidal salt marsh that was dredged for the construction of the Marina del Rey Small Craft Harbor in the 1960s. The total area of Marina del Rey is 1.5 square miles, of which 0.6 square mile, or

⁵ County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

⁶ County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

⁷ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁸ *Los Angeles County Code*, Part 3, Chapter 22.46, certified by California Coastal Commission 10 May 1995.

approximately 40 percent, is water. Housing in Marina del Rey is comprised of multi-story apartment buildings; the majority of the land use is devoted to housing. Restaurant, hotel, and retail commercial space, followed by office space, comprise almost all of the remaining land, with the exception of Burton Chace Park, greenways along major boulevards, pocket parks, public and private boat launches, boat slips, docks, marine commercial, and sheriff and coast guard facilities. The main channel and adjoining basins of the small craft harbor contain thousands of boat slips that are available for lease to the general public, or are associated with boating and yacht clubs.

The area is underlain by several thousand feet of alluvial sediments associated with the Los Angeles River and Ballona Creek drainage. The alluvium is underlain at a depth of several thousand feet by marine and non-marine sedimentary rocks of Tertiary age.

August 2002 Marina del Rey Affordable Housing Policy (Existing Policy)

The existing Marina del Rey Affordable Housing Policy, which was adopted by the County of Los Angeles Board of Supervisors on August 6, 2002, was written to ensure that affordable housing would be provided within the unincorporated community. The existing policy states that all new housing development projects in the aforementioned area shall have 10 percent of the newly constructed units, consisting of a mix of all units sizes contained in the project, reserved for low-income households for a term of 30 years. It further states that if construction of these units is "infeasible", then possible measures may be taken to ensure construction of affordable housing in the Coastal Zone. A project, in general, and in terms of the existing policy, is deemed economically infeasible if it does not meet minimum acceptable financial returns ("thresholds") that developers require in order to commit resources to a proposed project. The existing policy sets a "Return-to-Cost" threshold, or return on total development cost threshold, at 10 to 10.5 percent.

According to the existing policy, while there are potential mitigating factors that may be incorporated into an individual project to restore its economic feasibility, such as the use of density bonuses or bond financing and tax credits, they are of limited application in Marina del Rey developments.

The existing policy provides for the possibility that a developer may pay what is known as an "in-lieu" fee to the County of Los Angeles, at a rate of \$6.41 per net rentable square foot of residential development, for off-site affordable housing. The amount determined by the existing policy equals approximately \$6,884 per proposed unit being constructed. These collected funds would then be placed into an "Affordable Housing Trust Fund", and made available on a competitive basis. Priority would be given to projects proposed to be built within the unincorporated areas of the Coastal Zone or within 3 miles of the Coastal Zone, followed by projects in any other unincorporated areas of the County, if it is infeasible to provide the housing within the unincorporated areas of the Coastal Zone or within 3 miles of the Coastal Zone.

Demographic Data

Marina del Rey's current population, according to the latest available figures, is 8,661. According to the Southern California Association of Government's analysis, which is based on U.S. Census data for 1990 and 2000, the population of the County of Los Angeles grew 7.4 percent during that 10-year period. If Marina del Rey follows suit, its projected population for the year 2010 is 9,187, a growth in population of 1,011 individuals. Current households number 5,315; 407 units are

owner-occupied and 4,908 are renter-occupied.⁹ There is an average of 2.31 individuals per household currently. Projected population growth would require, based on current average numbers of individuals in occupied units, a minimum of 438 new units. It should be noted, however, that the number of new residential units in Marina del Rey is capped by the LCP.

1.9 STATEMENT OF OBJECTIVES

The County has identified several objectives in relation to the proposed refinements to the Marina del Rey Affordable Housing Policy:

- Preserve existing affordable housing units (replacement units) in Marina del Rey
- Support creation of new affordable housing units (inclusionary units) in Marina del Rey
- Fulfill the County's responsibility pursuant to the Mello Act
- Protect the County's ability to generate revenues from Marina del Rey ground leases for Countywide public benefit programs
- Achieve set aside of 5 percent of newly constructed units for low-income persons or families
- Achieve set aside of 5 percent of newly constructed units for moderate-income persons or families
- Require the developer to be responsible for construction of affordable housing

⁹ One residential development in Marina del Rey includes long-term condominium subleases.

SECTION 2.0

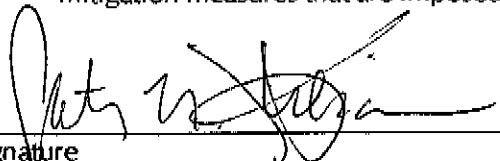
ENVIRONMENTAL CHECKLIST

This section contains a copy of the Environmental Checklist prepared for the Marina del Rey Affordable Housing Policy (proposed policy). The checklist used is consistent with Appendix G to the State CEQA Guidelines. A summary of the substantial evidence that was used to support the responses in the Environmental Checklist is contained in Section 3, Environmental Analysis. The answers contained in this Environmental Checklist are based on reviews of relevant literature and technical reports.

DETERMINATION

On the basis of this initial evaluation:

- ☒ X I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.


Signature

Santos H. Greimann
Printed Name

12/27/2007
Date

County of Los Angeles
For

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2.1. AESTHETICS – Would the proposed project:				
a) Have a substantial adverse effect on a scenic vista?	_____	_____	_____	<u> X </u>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	_____	_____	_____	<u> X </u>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	_____	<u> X </u>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	_____	_____	_____	<u> X </u>
2.2. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the proposed project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	_____	_____	_____	<u> X </u>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	_____	_____	_____	<u> X </u>

2.3. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the proposed project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	_____	_____	_____	<u> X </u>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	_____	_____	_____	<u> X </u>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is non- attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	_____	_____	_____	<u> X </u>
d) Expose sensitive receptors to substantial pollutant concentrations?	_____	_____	_____	<u> X </u>
e) Create objectionable odors affecting a substantial number of people?	_____	_____	_____	<u> X </u>

2.4. BIOLOGICAL RESOURCES -- Would the proposed project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	_____	_____	_____	<u> X </u>
--	-------	-------	-------	--------------

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	_____	_____	_____	<u> X </u>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	_____	_____	_____	<u> X </u>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	_____	_____	_____	<u> X </u>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	_____	_____	_____	<u> X </u>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	_____	_____	_____	<u> X </u>

2.5. CULTURAL RESOURCES – Would the proposed project:

a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	_____	_____	_____	<u> X </u>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	_____	_____	_____	<u> X </u>
c) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries?	_____	_____	_____	<u> X </u>

2.6. GEOLOGY AND SOILS – Would the proposed project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	_____	_____	_____	<u> X </u>
ii) Strong seismic ground shaking?	_____	_____	_____	<u> X </u>
iii) Seismic-related ground failure, including liquefaction?	_____	_____	_____	<u> X </u>
iv) Landslides?	_____	_____	_____	<u> X </u>
b) Result in substantial soil erosion or the loss of topsoil?	_____	_____	_____	<u> X </u>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	_____	_____	_____	<u> X </u>
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	_____	_____	_____	<u> X </u>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2.7. HAZARDS AND HAZARDOUS MATERIALS – Would the proposed project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	_____	_____	_____	<u> X </u>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	_____	_____	_____	<u> X </u>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	_____	_____	_____	<u> X </u>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	_____	_____	_____	<u> X </u>
e) For a proposed project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the proposed project area?	_____	_____	_____	<u> X </u>
f) For a proposed project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the proposed project area?	_____	_____	_____	<u> X </u>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	_____	_____	_____	<u> X </u>

2.8. HYDROLOGY AND WATER

QUALITY -- Would the proposed project:

a) Violate any water quality standards or waste discharge requirements?	_____	_____	_____	<u> X </u>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	_____	_____	_____	<u> X </u>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	_____	_____	_____	<u> X </u>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	_____	_____	_____	<u> X </u>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	_____	_____	_____	<u> X </u>
f) Otherwise substantially degrade water quality?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	_____	_____	_____	<u> X </u>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	_____	_____	_____	<u> X </u>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	_____	_____	_____	<u> X </u>
j) Inundation by seiche, tsunami, or mudflow?	_____	_____	_____	<u> X </u>

2.9. LAND USE AND PLANNING - Would the proposed project:

a) Physically divide an established community?	_____	_____	_____	<u> X </u>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	_____	_____	_____	<u> X </u>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	_____	_____	_____	<u> X </u>

2.10. MINERAL RESOURCES – Would the proposed project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	_____	_____	_____	<u> X </u>
--	-------	-------	-------	--------------

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	_____	_____	_____	<u> X </u>

2.11. NOISE –

Would the proposed project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	_____	_____	_____	<u> X </u>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	_____	_____	_____	<u> X </u>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u> X </u>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	_____	_____	_____	<u> X </u>
e) For a proposed project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the proposed project expose people residing or working in the proposed project area to excessive noise levels?	_____	_____	_____	<u> X </u>
f) For a proposed project within the vicinity of a private airstrip, would the proposed project expose people residing or working in the proposed project area to excessive noise levels?	_____	_____	_____	<u> X </u>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
2.12. POPULATION AND HOUSING –				
Would the proposed project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	_____	_____	_____	<u> X </u>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u> X </u>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	<u> X </u>
2.13. PUBLIC SERVICES –				
a) Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	_____	_____	_____	<u> X </u>
Police protection?	_____	_____	_____	<u> X </u>
Schools?	_____	_____	_____	<u> X </u>
Parks?	_____	_____	_____	<u> X </u>
Other public facilities?	_____	_____	_____	<u> X </u>

2.14. RECREATION –

- | | | | | |
|---|-------|-------|-------|--------------|
| a) Would the proposed project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | _____ | _____ | _____ | <u> X </u> |
| b) Does the proposed project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | _____ | _____ | _____ | <u> X </u> |

2.15. TRANSPORTATION/TRAFFIC –

Would the proposed project:

- | | | | | |
|--|-------|-------|-------|--------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | _____ | _____ | _____ | <u> X </u> |
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | _____ | _____ | _____ | <u> X </u> |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | _____ | _____ | _____ | <u> X </u> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | _____ | _____ | _____ | <u> X </u> |
| e) Result in inadequate emergency access? | _____ | _____ | _____ | <u> X </u> |
| f) Result in inadequate parking capacity? | _____ | _____ | _____ | <u> X </u> |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | _____ | _____ | _____ | <u> X </u> |

2.16. UTILITIES AND SERVICE SYSTEMS -

- Would the proposed project:

- | | | | | |
|---|-------|-------|-------|--------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | _____ | _____ | _____ | <u> X </u> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | _____ | _____ | _____ | <u> X </u> |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | _____ | _____ | _____ | <u> X </u> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | _____ | _____ | _____ | <u> X </u> |
| e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | _____ | _____ | _____ | <u> X </u> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | _____ | _____ | _____ | <u> X </u> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste? | _____ | _____ | _____ | <u> X </u> |

2.17. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|-------|-------|-------|--------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the | _____ | _____ | _____ | <u> X </u> |
|---|-------|-------|-------|--------------|

major periods of California history or prehistory?

- | | | | | |
|--|-------|-------|-------|--------------|
| b) Does the proposed project have impacts that are individually limited, but cumulatively considerable?
(A Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | _____ | _____ | _____ | <u> X </u> |
| c) Does the proposed project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | _____ | _____ | _____ | <u> X </u> |

SECTION 3.0

ENVIRONMENTAL ANALYSIS

The environmental analysis provided in this section describes the information that was considered in evaluating the questions in Section 2.0, Environmental Checklist. The information used in this evaluation is based on a review of relevant literature and technical reports (see Section 5.0, References, for a list of reference material consulted).

3.1 AESTHETICS

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to aesthetics that would require the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to aesthetics in the area subject to the proposed policy was evaluated with regard to the County of Los Angeles General Plan Housing element and previously published information regarding the visual character of the area affected by the proposed policy.²

State CEQA Guidelines recommend the consideration of four questions when addressing the potential for the proposed policy to result in significant impacts to aesthetics.

Would the proposed policy have any of the following effects:

- (a) Have a substantial adverse effect on a scenic vista?

The proposed policy would not be expected to result in impacts to aesthetics in relation to scenic vistas. The County of Los Angeles General Plan Housing element does not comment on scenic vistas. The proposed policy requires that new affordable housing units be reasonably dispersed throughout new housing complexes or refurbished older housing complexes, and be comparable in size and design to market-rate housing units being developed in the rental component of the new or converted development. Projects affected by the proposed policy or new development projects, which would possibly have an effect on existing scenic vistas, would require a project-level analysis pursuant to CEQA. Therefore, there would be no impacts to aesthetics related to scenic vistas.

- (b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

The proposed policy would not be expected to result in impacts to aesthetics in relation to substantial damage to scenic resources within a state scenic highway. The County of Los Angeles General Plan Housing element does not comment on damage to scenic resources and historic buildings within a state scenic highway.³ The proposed refinements to the existing affordable housing policy would not have an effect on scenic resources in the area subject to the proposed policy. Projects affected by the proposed policy or new development projects, which would possibly have an effect on existing scenic resources, would require a project-level analysis pursuant to CEQA. Therefore, there would be no expected impacts to aesthetics related to scenic resources.

¹ California Code of Regulations. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

³ County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

- (c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The proposed policy would not be expected to result in impacts to aesthetics in relation to the substantial degradation of the existing visual character of the site and its surroundings. Marina del Rey is a 1.5 square mile unincorporated area within the County of Los Angeles. Approximately 40 percent of this area is water. The majority of existing structures in the area affected by the proposed policy consist of apartment and condominium complexes, followed by hotels and restaurants, retail, marine/boating related uses (boatslips, boat ramps), and public services (police, harbor patrol).

The proposed policy does not foster degradation of the existing visual character of Marina del Rey because it specifies that affordable housing be built to harmonize with the design of market-rate housing. Blight is generally characterized by disuse or underuse of facilities, boarded up windows, and signs of disrespect for property (i.e., graffiti, broken glass, trash). It is not anticipated that the proposed policy would foster blight, because a population growth rate of 7.6 percent is expected in Marina del Rey by 2010, and that new housing stock would be fully utilized by population growth demands.⁴ Therefore, there would be no expected impacts to aesthetics related to degradation of the existing visual character of the site and its surroundings.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The proposed policy would not be expected to result in impacts to aesthetics in relation to a new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area. The proposed refinements to the existing affordable housing policy would not create a new source of substantial light or glare. Projects affected by the proposed policy or new development projects, which would possibly have an effect on existing scenic resources, would require a project-level analysis pursuant to CEQA. Therefore, there would be no expected impacts to aesthetics related to a new source of substantial light or glare, which would adversely affect daytime or nighttime views in the area.

⁴ U.S. Census Bureau. 2000. United States Census 2000. Available at: <http://www.census.gov/main/www/cen2000.html>

3.2 AGRICULTURAL RESOURCES

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to agriculture resources, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to agricultural resources in the area subject to the proposed policy was evaluated with regard to the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP)² and the County of Los Angeles (County) General Plan.³

State CEQA Statutes [(§21060.1(a) Public Resources Code 21000-21177)] define agricultural land to mean “prime farmland, farmland of statewide importance, or unique farmland, as defined by the United States Department of Agriculture (USDA) land inventory and monitoring criteria, as modified for California,” and is herein collectively referred to as “Farmland.” State CEQA Guidelines recommend the consideration of three questions when addressing the potential for the proposed policy to result in significant impacts related to agriculture resources.

Would the proposed policy have any of the following effects:

- (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use which exceeds the California LESA Model Scoring Thresholds?

The proposed policy would not be expected to result in impacts to agriculture resources in relation to the conversion of Farmland. The proposed refinements to the existing affordable housing policy would not be expected to have an effect on the agricultural resources of the region. The most recent mapping of the County of Los Angeles for Farmland undertaken by the CDC FMMP was reviewed for the proposed policy.⁴ Based on the review of the land use designations and applicable Important Farmland map for the region affected by the proposed policy, there are no Farmlands located in or immediately adjacent to the area. Therefore, there would be no expected impacts to agriculture resources related to the conversion of Farmland.

- (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The proposed policy would not be expected to result in impacts to agriculture resources in relation to a conflict with existing zoning for agricultural use, or a Williamson Act contract. Based on an analysis of the County General Plan, there is agricultural land use zoned within the County's jurisdiction;⁵ however, the proposed refinements to the existing affordable housing policy would

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2004. *Important Farmland in California, 2002*. Sacramento, CA.

³ County of Los Angeles Department of Regional Planning. 1993. *County of Los Angeles Streamlined General Plan*. Los Angeles, CA.

⁴ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2004. *Important Farmland in California, 2002*. Sacramento, CA.

⁵ County of Los Angeles Department of Regional Planning. 1993. *County of Los Angeles Streamlined General Plan*. Los Angeles, CA.

not be expected to have an effect on the agricultural resources of the region. Based on the review of the County's zoning and status of Williamson Act contracts, there would be no expected impacts to agriculture resources related to a conflict with existing zoning for agricultural use or a Williamson Act contract.

- (c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

The proposed policy would not be expected to result in impacts to agriculture resources in relation to changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use. Based on the review of the most recent mapping of County of Los Angeles for Farmland undertaken by the CDC FMMP, there is no Farmland in the region affected by the proposed policy.⁶ The proposed policy would not enhance the suitability of any designated farmland for development. There are no designated farmlands within the region affected by the proposed policy. Therefore, there would be no expected impacts to agriculture resources related to changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

⁶ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2004. *Important Farmland in California, 2002*. Sacramento, CA.

3.3 AIR QUALITY

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to air quality, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to air quality in the area subject to the proposed policy was evaluated with regard to the County of Los Angeles (County) General Plan,² the National Ambient Air Quality Standards (NAAQS), the California Ambient Air Quality Standards (CAAQS), and the Clean Air Act (CAA).³

Data on existing air quality in the South Coast Air Basin, in which the area affected by the proposed policy is located, is monitored by a network of air monitoring stations operated by the California Environmental Protection Agency (CalEPA), Air Resources Board (CARB) and the South Coast Air Quality Management District.

State CEQA Guidelines recommend the consideration of five questions when addressing the potential for the proposed policy to result in significant impacts related to air quality.

Would the proposed policy have any of the following effects:

- (a) Conflict with or obstruct implementation of the applicable air quality plan?

The proposed policy would not be expected to result in impacts to air quality by conflicting with or obstructing implementation of the applicable air quality plan. The proposed policy would affect the unincorporated community of Marina del Rey in the County of Los Angeles within the South Coast Air Quality Management District portion of the South Coast Air Basin. The proposed refinements to the existing affordable housing policy would not conflict or obstruct implementation of the applicable air quality plan. Therefore, there would be no expected impacts to air quality related to the attainment of the air quality plan.

- (b) Violate any air quality standard or contribute substantially to existing or projected air violations?

The proposed policy would not be expected to result in impacts to air quality in relation to a violation of any air quality standard or a substantial contribution to existing or projected air quality violations. The proposed refinements to the existing affordable housing policy would not be expected to result in a violation of any air quality standard or contribute substantially to existing or projected air violations. Therefore, there would be no expected impacts to air quality related to air quality standards.

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

³ U.S. Environmental Protection Agency. 2005. "Federal Clean Air Act, Title I, Air Pollution Prevention and Control." Available at: <http://www.epa.gov/oar/caa/contents.html>

- (c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The proposed policy would not be expected to result in impacts to air quality in relation to criteria pollutants. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase of any criteria pollutant. Therefore, there would be no expected impacts to air quality related to criteria pollutants.

- (d) Expose sensitive receptors to substantial pollutant concentrations?

The proposed policy would not be expected to result in impacts to air quality in relation to exposure of sensitive receptors to substantial pollutant concentrations. The nearest school to the area affected by the proposed policy is Westside Alternative Elementary School, located at 104 Anchorage Street in Venice, approximately 0.13 mile from Marina del Rey. In addition, Centinela Freeman Regional Medical Center is located adjacent to Marina del Rey at 4650 Lincoln Boulevard. However, the proposed refinements to the existing affordable housing policy would not be expected to result in exposure of substantial pollutant concentrations to sensitive receptors. Therefore, there would be no expected impacts to air quality related to exposure of sensitive receptors. No further analysis is warranted.

- (e) Create objectionable odors affecting a substantial number of people?

The proposed policy would not be expected to result in impacts to air quality in relation to objectionable odors. The proposed refinements to the existing affordable housing policy would not be expected to result in an objectionable odor affecting any number of people. Therefore, there would be no expected impacts to air quality related to objectionable odors.

3.4 BIOLOGICAL RESOURCES

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact on biological resources, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to biological resources in the area subject to the proposed policy was evaluated with regard to the County of Los Angeles (County) General Plan;² in coordination with resource agencies (U.S. Fish and Wildlife Service and California Department of Fish and Game); a query of the California Natural Diversity Database (CNDDB) for the U.S. Geological Survey (USGS) 7.5-minute series Venice quadrangle, in which the affected area is located, and all surrounding USGS 7.5-minute series topographic quadrangles (Beverly Hills, Inglewood, Redondo Beach, Topanga, and Torrance);³ and a review of published and unpublished literature germane to the proposed policy.

State CEQA Guidelines recommend the consideration of six questions when addressing the potential for the proposed policy to result in significant impacts related to biological resources.

Would the proposed policy have any of the following effects:

- (a) Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

Listed Species

The proposed policy would not be expected to result in impacts to biological resources in relation to species listed as rare, threatened, or endangered pursuant to the federal and state Endangered Species Acts. Although a query of the CNDDB resulted in the occurrence of listed species in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to species listed as rare, threatened, or endangered pursuant to the federal and state Endangered Species Acts.

Sensitive Species

The proposed policy would not be expected to result in impacts to biological resources in relation to sensitive species recognized by the U.S. Fish and Wildlife Service as federal species of concern or by the California Department of Fish and Game as California species of special concern. Although a query of the CNDDB resulted in the occurrence of sensitive species in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to sensitive species recognized by the U.S. Fish and Wildlife Service as

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. 1993. *County of Los Angeles Streamlined General Plan*. Los Angeles, CA.

³ California Department of Fish and Game. 2002. *Rarefind 2: A Database Application for the Use of the California Department of Fish and Game Natural Diversity Data Base*. Sacramento, CA.

federal species of concern or by the California Department of Fish and Game as California species of special concern.

Locally Important Species

The proposed policy would not be expected to result in impacts to biological resources in relation to locally important species of the region. While the potential exists for locally important species to occur in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to locally important species.

- (b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or the U. S. Fish and Wildlife Service?

The proposed policy would not be expected to result in impacts to biological resources in relation to riparian habitat or other sensitive natural communities. While the potential for riparian habitat and sensitive natural communities exists in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to riparian habitat or other sensitive natural communities.

- (c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means?

The proposed policy would not be expected to result in impacts to biological resources in relation to federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means. While the potential exists for federally protected wetlands to occur in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to federally protected wetlands as defined by Section 404 of the Clean Water Act.

- (d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife Movement/Corridors

The proposed policy would not be expected to result in impacts to biological resources in relation to movement of any migratory fish or wildlife species or with an established wildlife corridor. While the potential exists for wildlife corridors to occur in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to movement of any migratory fish or wildlife species or with an established wildlife corridor.

Nursery Site

The proposed policy would not be expected to result in impacts to biological resources in relation to impeding the use of native wildlife nursery sites. While the potential exists for nursery sites to occur in the region, the proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to impeding the use of native wildlife nursery sites.

- (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The proposed policy would not be expected to result in impacts to biological resources in relation to conflicts with any local policies or ordinances protecting biological resources. The proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to conflicts with any local policies or ordinances protecting biological resources.

- (f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The proposed policy would not be expected to result in impacts to biological resources in relation to conflicts with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plans. The proposed refinements to the existing affordable housing policy would not be expected to have an effect on the biological resources of the area. Therefore, there would be no expected impacts to biological resources related to conflicts with the provisions of any adopted Habitat Conservation Plan or Natural Community Conservation Plans.

3.5 CULTURAL RESOURCES

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact on cultural resources, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to cultural resources in the area subject to the proposed policy were evaluated with regard to the County of Los Angeles (County) General Plan,² a review of the Directory of Historic Properties for Los Angeles compiled by the Office of Historic Preservation, and a review of published and unpublished literature germane to the proposed policy.

State CEQA Guidelines recommend the consideration of four questions when addressing the potential for the proposed policy to result in significant impacts related to cultural resources.

Would the proposed policy have any of the following effects:

- (a) Directly or indirectly destroy a unique paleontological resource or unique geologic feature?

The proposed policy would not be expected to result in impacts to cultural resources related directly or indirectly to the destruction of a unique paleontological resource or unique geologic feature. Although the area affected by the proposed policy may potentially contain unique paleontological resource or unique geologic features, the proposed refinements to the existing affordable housing policy would not be expected to indirectly or directly result in impacts to unique paleontological or geologic features. Potential impacts to paleontological resources resulting from future development activities, if any, will depend on where such development occurs. Protection measures shall be determined through County environmental procedures and by the State Historic Preservation Office. Therefore, there would be no expected impacts to cultural resources resulting from the destruction of a unique paleontological resource or unique geologic feature.

- b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?

The proposed policy would not be expected to result in impacts to cultural resources related to a substantial adverse change in the significance of an archeological resource. The area affected by the proposed policy may potentially contain archeological resources; however, the proposed refinements to the existing affordable housing policy would not be expected to directly or indirectly result in substantial adverse changes in the significance of archaeological resources. Potential impacts to archaeological resources resulting from future development activities, if any, will depend on where such development occurs. Protection measures shall be determined through County environmental procedures and by the State Historic Preservation Office. Therefore, there would be no expected impacts to cultural resources resulting in a substantial adverse change in the significance of an archaeological resource.

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. 1993. *County of Los Angeles Streamlined General Plan*. Los Angeles, CA.

- c) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the State CEQA Guidelines?

The proposed policy would not be expected to result in impacts to cultural resources related to a substantial adverse change in the significance of a historical resource. The area affected by the proposed policy may potentially contain historical resources; however, the proposed refinements to the existing affordable housing policy would not be expected to directly or indirectly result in substantial adverse changes in the significance of historical resources. Potential impacts to historical resources resulting from future development activities, if any, will depend on where such development occurs. Protection measures shall be determined through County environmental procedures and by the State Historic Preservation Office. Therefore, there would be no expected impacts to cultural resources related to a substantial adverse change in the significance of a historical resource.

- d) Disturb any human remains, including those interred outside of formal cemeteries?

The proposed policy would not be expected to disturb any human remains, including those interred outside of formal cemeteries. Future development could potentially cause ground disturbing activities to occur, resulting in a potential disturbance of human remains. The proposed refinements to the existing affordable housing policy would not be expected to directly result in the disturbance of human remains. Therefore, the proposed project would not be expected to disturb any human remains, including those interred outside of formal cemeteries.

3.6 GEOLOGY AND SOILS

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to geology and soils, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to geology and soils in the area subject to the proposed policy was evaluated with regard to the California Geological Survey Seismic Hazard Zone Report for the U.S. Geological Survey (USGS) 7.5-minute series Venice topographic quadrangle, in which the area affected by the proposed policy is located;² the County of Los Angeles General Plan;³ the Marina del Rey Land Use Plan;⁴ and most recent Alquist-Priolo Earthquake Fault Zoning (APEFZ) Maps.⁵

State CEQA Guidelines recommend the consideration of seven questions when addressing the potential for the proposed policy to result in significant impacts related to geology and soils.

Would the proposed policy have any of the following effects:

- (a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning (APEFZ) Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

The proposed policy would not be expected to result in impacts from exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. Based on a review of the most recent APEFZ maps, the area affected by the proposed policy site is not located within any earthquake fault zones.⁶ In addition, the proposed refinements to the existing affordable housing policy would not be expected to expose people or structures to risks associated with a known earthquake fault. Therefore, there would be no expected impacts from exposing people or structures to potential substantial adverse effects involving rupture of a known earthquake fault.

- ii) Strong seismic ground shaking?

The proposed policy would not be expected to result in impacts from exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. The degree of seismic ground shaking would depend on the characteristics of the earthquake, including the generating fault, the distance to the epicenter, the magnitude of

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² California Geological Survey. 1998. *Seismic Hazard Zone Report 036*. Los Angeles, CA.

³ County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

⁴ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁵ California Geological Survey. 1999. Web site. Alquist-Priolo Earthquake Fault Zoning Map. Available at: <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>

⁶ California Geological Survey. 1999. Web site. Alquist-Priolo Earthquake Fault Zoning Map. Available at: <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>

the earthquake, and the site-specific geologic conditions. Compliance with the 2007 California Building Code (CBC) includes the incorporation of seismic safety features, such as proper building footings and proper structure, and a registered engineer would review the project plans to ensure that all required earthquake safety measures are incorporated and the building design conforms to the CBC requirements. Such compliance with existing standards and requirements would ensure an adequate level of protection from seismic hazards. In addition, the proposed refinements to the existing affordable housing policy would not be expected to result in strong seismic ground shaking or associated impacts. Therefore, there would be no expected impacts from exposing people or structures to potential substantial adverse effects involving strong seismic ground shaking.

iii) Seismic-related ground failure, including liquefaction?

The proposed policy would not be expected to result in impacts from exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. According to the California Geological Survey seismic hazard evaluation for the USGS 7.5-minute series Venice topographic quadrangle,⁷ the area affected by the proposed policy is within an area where historic occurrence of liquefaction, or local geological, geotechnical, and groundwater conditions, indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 2693(c) would be required. Minor effects from liquefaction were observed in Marina del Rey after the 1994 Northridge earthquake, including broken pipes between Washington and Culver Boulevards, and a sand fissure at the intersection of Via Marina and Admiralty Way.⁸ The geology of Marina del Rey consists of artificial fill overlying estuarine deposits. While the engineered fill may be too thin to present a liquefaction risk, the underlying estuarine deposits, consisting of moderately dense silt, sand, and clayey sand, are susceptible to liquefaction, particularly if the water table is very shallow in this region.⁹ However, it should be noted that the proposed refinements to the existing affordable housing policy would not be expected to result in strong seismic ground shaking or associated impacts. Therefore, there would be no expected impacts from exposing people or structures to potential substantial adverse effects involving seismic-related ground failure, including liquefaction.

iv) Landslides?

The proposed policy would not be expected to result in impacts from exposing people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. The area affected by the proposed policy is generally flat, thus the risk of landslides is considered to be low. In addition, the proposed refinements to the existing affordable housing policy would not result in landslides. Therefore, there would be no expected impacts from exposing people or structures to potential substantial adverse effects involving landslides.

⁷ California Geological Survey. 1999. *Seismic Hazard Evaluation of the Venice 7.5–Minute Series Topographic Quadrangle, Los Angeles County, California*. Open File Report 98-27. Los Angeles, CA.

⁸ California Geological Survey. 1998. *Seismic Hazard Zone Report 036*. Los Angeles, CA.

⁹ California Geological Survey. 1998. *Seismic Hazard Zone Report 036*. Los Angeles, CA.

(b) Result in substantial soil erosion or the loss of topsoil?

The proposed policy would not be expected to result in impacts to geology and soils in relation to substantial soil erosion and loss of topsoil. The area affected by the proposed policy is generally flat, consisting of mostly urban landscape. Therefore, erosion of soils or topsoils would not be expected to occur. In addition, the proposed refinements to the existing affordable housing policy would not result in any type of erosion. Therefore, there would be no expected impacts to geology and soils related to substantial soil erosion and loss of topsoil.

(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

The proposed policy would not be expected to result in impacts to geology and soils in relation to location on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The geology of the area affected by the proposed policy consists of artificial fill overlying estuarine deposits. While the engineered fill may be too thin to present a liquefaction risk, the underlying estuarine deposits, consisting of moderately dense silt, sand, and clayey sand, are susceptible to liquefaction, particularly if the water table is very shallow in this region.¹⁰ Landslides, lateral spreading, or subsidence are not likely to occur in the region. Therefore, there would be no expected impacts to geology and soils related to location on a geologic unit or soil that is unstable, or that would become unstable as a result of the proposed policy, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

The proposed policy would not be expected to result in impacts to geology and soils in relation to location on expansive soil creating substantial risks to life or property. The geology of the area affected by the proposed policy consists of artificial fill overlying estuarine deposits consisting of moderately dense silt, sand, and clayey sand. These soils are not likely to present a hazard related to expansive soils. Therefore, there would be no expected impacts to geology and soils related to location on expansive soil creating substantial risks to life or property.

(e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waster water?

The proposed policy would not be expected to result in impacts to geology and soils in relation to having soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waster water. The proposed refinements to the existing policy do not specify the use of septic tanks or alternative waster water disposal systems. Therefore, there would be no expected impacts to geology and soils related to having soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waster water.

¹⁰ California Geological Survey. 1998. *Seismic Hazard Zone Report 036*. Los Angeles, CA.

3.7 HAZARDS AND HAZARDOUS MATERIALS

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to hazards and hazardous materials, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹

Hazardous wastes are by-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Hazardous wastes possess at least one of four characteristics (ignitability, corrosivity, reactivity, or toxicity), or appear on special Environmental Protection Agency (EPA) lists.

The potential for the impacts related to hazards and hazardous materials in the area subject to the proposed policy was evaluated based on expert opinion supported by facts, review of environmental databases,² and the County of Los Angeles (County) General Plan.³

State CEQA Guidelines recommend the consideration of eight questions when addressing the potential for the proposed policy to result in significant impacts related to hazards and hazardous materials.

Would the proposed policy have any of the following effects:

- (a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials with respect to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The proposed refinements to the existing affordable housing policy would not be expected to directly result in impacts from hazards and hazardous materials with respect to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Therefore, there would be no expected impacts from hazards and hazardous materials related to creating a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

- (b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials with respect to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous material. The proposed refinements to the existing affordable housing policy would not be expected to directly result in these impacts. Therefore, there would be no expected impacts from hazards and hazardous materials related to the creation of a significant hazard to the public or the environment

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² Environmental Data Resources, Inc. 2007. EDR Radius Map with GeoCheck. Milford, CT.

³ County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

through reasonably foreseeable upset and accident conditions involving the release of hazardous material.

- (c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials with respect to the emission of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. The nearest school to the area affected by the proposed policy is Westside Alternative Elementary School, located at 104 Anchorage Street, Venice, approximately 0.13 mile from the area affected by the proposed policy. However, the proposed refinements to the existing affordable housing policy would not be expected to result in impacts related to the emission or handling of hazardous materials, substances, or waste within the area affected by the proposed policy or the surrounding area. Therefore, there would be no expected impacts from hazards and hazardous materials with respect to the emission of hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

- (d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to the Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?

The proposed policy would not be expected to result in impacts related to being located on a site that is included on a list of hazardous materials sites, creating a significant hazard to the public of the environment. A search of available environmental records conducted by Environmental Data Resources, Inc. (EDR) indicates that there are numerous sites in Marina del Rey that are included on hazardous material databases maintained by government agencies. The types of these hazardous materials sites compiled by EDR are listed in Table 3.7-1, *Hazardous Waste Sites in Marina del Rey, as Listed in Federal, State, and Local Databases*.

**TABLE 3.7-1
HAZARDOUS WASTE SITES IN MARINA DEL REY, AS LISTED IN FEDERAL, STATE,
AND LOCAL DATABASES**

Database	Number of Sites
Federal Record Databases	
Comprehensive Environmental Response, Compensation, and Liability Information System - No Further Remedial Action Plan (CERCLIS-NFRAP)	1
Resource Conservation Recovery Act (RCRA) Large Quantity Generators	1
RCRA Small Quantity Generators	36
Emergency Response Notification System (ERNS)	63
Facility Index System (FINDS)	44
State and Local Record Databases	
State Landfill	3
California Waste Discharge System (CA WDS)	6
Waste Management Unit Database System (WMUDS)	1
"Cortese" Hazardous Waste & Substances Sites List	20
Leaking Underground Storage Tank Information System (LUST)	23
California Facility Inventory Database (CA FIDS)	27
Statewide Spills, Leaks, Investigations, & Cleanup (SLIC)	27
Underground Storage Tank Database (UST)	15
Historical UST Registered Database (HIST UST)	23
Aboveground Storage Tank Database (AST)	2
Statewide Environmental Evaluation and Planning System (SWEEPS UST)	42
California Hazardous Material Incident Report System (CHMIRS)	20
Proposition 65 Database (Notify 65)	1
Voluntary Cleanup Program Properties (VCP)	1
Dry Cleaners	17
Los Angeles County Industrial Waste and Underground Storage Tank Sites (HMS)	69
Facility & Manifest Data (HAZNET)	189
Emissions Inventory Data (EMI)	44
ENVIROSTOR Database	2

NOTE: Many of the sites listed in one database are repeated in another.

Despite the presence of multiple hazardous materials sites, the proposed refinements to the existing affordable housing policy would not be expected to result in the creation of a significant hazard to the public or the environment. Therefore, there would be no expected impacts from hazards and hazardous materials related to location on a hazardous materials site.

- (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials in relation to the proximity from an airport and the safety hazard for people residing or working in the area affected by the proposed policy. The area affected by the proposed policy is located approximately 2 miles from the Los Angeles International Airport (LAX) and is not included in the Los Angeles County Airport Land Use Plan.⁴ The proposed refinements to the existing

⁴ Los Angeles County Airport Land Use Commission. Adopted 19 December 1991 (revised 1 December 2004). *Los Angeles County Airport Land Use Plan*. Prepared by: County of Los Angeles Department of Regional Planning. Available at: http://planning.co.la.ca.us/doc/aluc/ALUC_CLUP.pdf

affordable housing policy would not be expected to result in a safety hazard for residents or workers in the area affected by the proposed policy. Therefore, there would be no expected impacts from hazards and hazardous materials in relation to the proximity from an airport and the safety hazard for people residing or working in the area affected by the proposed policy.

- (f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials due to the area affected by the proposed policy being located in the vicinity of a private airstrip, resulting in the potential for safety hazards for people residing or working in the area affected by the proposed policy. There are no private airstrips within the vicinity of the area affected by the proposed policy. In addition, the proposed refinements to the existing affordable housing policy would not be expected to result in a safety hazard to residents or workers within the area affected by the proposed policy. Therefore, there would be no expected impacts from hazards and hazardous materials due to the area affected by the proposed policy being located in the vicinity of a private airstrip, resulting in the potential for safety hazards for people residing or working in the area affected by the proposed policy.

- (g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials from impairing the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed refinements to the existing affordable housing policy would not impair implementation of or physically interfere with an adopted emergency response plan or evacuation plan within the area affected by the proposed policy. Therefore, there would be no expected impacts from hazards and hazardous materials from impairing the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

- (h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The proposed policy would not be expected to result in impacts from hazards and hazardous materials from exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The area affected by the proposed policy, specifically Marina del Rey, was built on dredged material and artificial fill in the 1960s and is utilized mostly for residential and commercial uses. Open spaces are limited, and wildlands are not present. Therefore, there would be no expected impacts from exposure of people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

3.8 HYDROLOGY AND WATER QUALITY

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to hydrology and water quality, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines. The potential for impacts related to hydrology and water quality in the area subject to the proposed policy was evaluated with regard to the applicable County of Los Angeles General Plan,¹ State of California Regional Water Quality Control Board Basin Plan for the Los Angeles Regional Water Quality Control Board Los Angeles Basin Plan,² National Flood Insurance Program Flood Insurance Rate Maps for the County of Los Angeles,³ and the U.S. Geological Survey (USGS) 7.5-minute series Venice topographic quadrangle in which the area affected by the proposed policy is located.⁴

State CEQA Guidelines recommend the consideration of 10 questions when addressing the potential for the proposed policy to result in significant impacts related to hydrology and water quality.

Would the proposed policy have any of the following effects:

- (a) Violate any water quality standards or waste discharge requirements?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to water quality standards or waste discharge requirements. The proposed policy includes refinements to the existing affordable housing policy to preserve existing affordable housing supplies (replacement units) and support the creation of new affordable housing units (inclusionary units) within the Marina del Rey Land Use Plan area. The proposed refinements to the existing affordable housing policy would not increase development in the area affected by the proposed policy, and therefore, would not be expected to create or violate water quality regulations. New development projects within the area would be evaluated on a project by project basis in accordance with CEQA. Therefore, there would be no expected impacts to hydrology and water quality related to violation of any water quality standards or waste discharge requirement.

- (b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to groundwater supplies or groundwater recharge. The proposed refinements to the

¹ County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

² California Regional Water Quality Control Board, Los Angeles Region. 1995. *Water Quality Control Plan, Los Angeles Region*. Monterey Park, CA.

³ Federal Emergency Management Agency. November 1985. Flood Insurance Rate Map, Los Angeles County California (Unincorporated Areas), Community Panel Number 065043 0905 C. Jessup, MD: FEMA Map Service Center.

⁴ U.S. Geological Survey. [1964] Photorevised 1981. 7.5-Minute Series Topographic Quadrangle, Venice, California. Reston, VA.

existing affordable housing policy would not increase development in the area affected by the proposed policy and would not directly or indirectly increase the draw of groundwater supplies or interfere with recharge. Therefore, there would be no expected impacts to hydrology and water quality related to groundwater supplies or groundwater recharge.

- (c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on or off site?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to alteration of existing drainage patterns in a manner that would result in substantial erosion or siltation on or off site. The proposed refinements to the existing affordable housing policy would not increase development in the area. Therefore, there would be no expected impacts to hydrology and water quality related to alteration of existing drainage patterns in a manner that would result in substantial erosion or siltation on or off site.

- (d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to alteration of existing drainage patterns in a manner that would result in flooding on site or off site. The proposed refinements to the existing affordable housing policy would not increase development in the area. The area affected by the proposed policy contains areas between the 100-year and 500-year flood plains, but these areas are already in development. The proposed policy would not encourage a greater amount of development in this area than under the existing affordable housing policy.⁵ Therefore, there would be no significant impacts to hydrology and water quality related to alteration of existing drainage patterns in a manner that would result in flooding on or off site.

- (e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or providing substantial additional sources of polluted runoff?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to exceeding the capacity of existing or planned stormwater drainage systems or providing substantial additional sources of polluted runoff. The area affected by the proposed policy is served by storm water drainage systems and is within capacity. The proposed policy would not create an increase in development in the area and would not result in an increase in runoff water over the existing conditions. Therefore, there would be no expected impacts to hydrology and water quality related to exceeding the capacity of existing or planned stormwater drainage systems or providing substantial additional sources of polluted runoff.

⁵ Federal Emergency Management Agency. November 1985. Flood Insurance Rate Map, Los Angeles County California (Unincorporated Areas), Community Panel Number 065043 0905 C. Jessup, MD: FEMA Map Service Center.

(f) Otherwise substantially degrade water quality?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to substantial degradation of water quality. The proposed policy would not have any effect on water quality. The proposed policy would not directly generate additional development and would not increase runoff or sources of water pollution. Therefore, there would be no expected impacts to hydrology and water quality in relation to substantial degradation of water quality.

(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to placement of housing within a 100-year flood hazard area. The community of Marina del Rey is built-out. The area affected by the proposed policy contains areas between the 100-year and 500-year flood plains, but these areas are already in development. The proposed policy would not encourage an increase in development in this area than under the existing policy.⁶ Therefore, there would be no expected impacts to hydrology and water quality related to placement of housing within a 100-year flood hazard area.

(h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to placement of structures (other than housing) within a 100-year flood hazard area. The area affected by the proposed policy contains areas between the 100-year and 500-year flood plains, but these areas are already in development. In addition, the proposed policy would not encourage a greater amount of development in this area than under the existing policy.⁷ Therefore, there would be no expected impacts to hydrology and water quality related to placement of structures (other than housing) within a 100-year flood hazard area.

(i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to the failure of a levee or dam. The proposed policy would not increase development in the area. Therefore, there would be no expected impacts to hydrology and water quality related to the failure of a levee or dam.

(j) Inundation by seiche, tsunami, or mudflow?

The proposed policy would not be expected to result in impacts to hydrology and water quality in relation to the inundation by seiche, tsunami, or mudflow. The proposed policy would not directly or indirectly result in additional development within the area or within the Coastal Zone. Therefore, there would be no expected impacts to hydrology and water quality related to inundation by seiche, tsunami, or mudflow.

⁶ Federal Emergency Management Agency. November 1985. Flood Insurance Rate Map, Los Angeles County California (Unincorporated Areas), Community Panel Number 065043 0905 C. Jessup, MD: FEMA Map Service Center.

⁷ Federal Emergency Management Agency. November 1985. Flood Insurance Rate Map, Los Angeles County California (Unincorporated Areas), Community Panel Number 065043 0905 C. Jessup, MD: FEMA Map Service Center.

3.9 LAND USE AND PLANNING

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to land use and planning, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to land use and planning in the area subject to the proposed policy was evaluated in light of the adopted published maps, adopted plans, and in coordination with U.S. Fish and Wildlife and California Department of Fish and Game, with regard to the applicable proposed or adopted land use plans and regulations.^{2,3}

State CEQA Guidelines recommend the consideration of three questions when addressing the potential for the proposed policy to result in significant impacts related to land use and planning.

Would the proposed policy have any of the following effects:

- (a) Physically divide an established community?

The proposed policy would not be expected to result in impacts to land use and planning through the physical division of an established community. The proposed policy does not alter, reference, or provide guidance regarding the development of circulation elements that may affect a community's connectivity. There is an existing adopted Local Coastal Program that provides land use designations for the unincorporated territory of the County of Los Angeles (County) within the Coastal Zone.⁴ The adopted Local Coastal Program includes a system of highways and roadways to serve the area affected by the proposed policy.⁵ Projects affected by the proposed policy would require a project-level analysis regarding community pedestrian, bicycle, and automotive circulation elements and would require compliance with the County General Plan Circulation element and the Marina Del Rey Land Use Plan (LUP).^{6,7} The proposed policy requires that new affordable housing units be reasonably dispersed throughout new housing complexes or refurbished older housing complexes, and be comparable in size and design to market-rate housing units being developed in the rental component of the new or converted development. As a result, housing must be constructed as part of and within the redeveloped areas and would not be constructed in a separate location away from the market-rate housing. The proposed policy would not conflict with the existing community plan and would not cause a physical division within the established community. Therefore, there would be no expected impacts to land use and planning resulting in a physical division to the established community.

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

³ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁴ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁵ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁶ County of Los Angeles Department of Regional Planning. Amended 9 January 1990. *County of Los Angeles General Plan, Circulation Element*. Available at: <http://ceres.ca.gov/docs/data/0700/791/HYPEROCR/hyperocr.html>

⁷ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan Amendment* (Certified by California Coastal Commission). Los Angeles, CA.

- (b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the policy (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

In order to determine the compatibility of the proposed policy with adopted land use plans, policies, and regulations, the following applicable policies and plans were reviewed: the Marina del Rey Land Use Plan (LUP),⁸ the existing Affordable Housing Policy for Marina del Rey,⁹ County General Plan Housing element,¹⁰ County Density Bonus Ordinance,¹¹ the 1982 Mello Act,¹² and the Southern California Association Governments (SCAG) Regional Housing Needs Assessment (RHNA).¹³ Among these documents, the Marina del Rey LUP is the primary and most immediate land use document guiding development for the area. The primary land use decision-making authority for the unincorporated area of Marina del Rey area lies with the County Board of Supervisors. In addition, the California Coastal Commission is a state-level land use authority that oversees coastal development.

The County owns the unincorporated area of Marina del Rey and administers long-term leases to commercial and residential developers. As landlord and land use authority, the County Board of Supervisors adopted the existing 2002 Marina del Rey Affordable Housing Policy in order to comply with the Mello Act requirements.

The proposed policy alters several requirements of the existing, adopted 2002 affordable housing policy, including replacing the requirement for a 10 percent allocation of affordable housing units for low-income tenants with requirements that expressly provide for replacement of existing residential units slated to be demolished as part of any new development, and that 5 percent of the net new units be set aside for low-income tenants and 5 percent of the net new units be set aside for moderate-income tenants. In addition, the proposed policy eliminates the allowance of in-lieu fees to be utilized in cases where economic on-site infeasibility is demonstrated. The proposed policy would provide that in cases of on-site infeasibility, new affordable housing units must be constructed in or within 3 miles of the Coastal Zone in the County of Los Angeles by the residential developer, and the affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the market-rate development, but in no event later than three years from the issuance of a building permit for the new development project.

The proposed policy would not conflict with applicable strategic planning recommendations, goals, and policies adopted by local, regional, and state-wide government land use authorities

⁸ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁹ County of Los Angeles Department of Regional Planning. 2002. *Marina del Rey Affordable Housing Policy* (Certified by Los Angeles County Board of Supervisors). Los Angeles, CA.

¹⁰ County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

¹¹ County of Los Angeles. Adopted August 2006. County of Los Angeles Density Bonus Ordinance. Available at: http://planning.co.la.ca.us/doc/ord/Density_ord_adopted.pdf

¹² *California Government Code*, Section 65590 and 65590.1. 1982: "The Mello Act." Available at: <http://law.justia.com/california/codes/gov/65590-65590.1.html>

¹³ Southern California Association of Governments (SCAG). 2007. *Regional Housing Needs Assessment*. Available at: <http://www.scag.ca.gov/Housing/rhna/index.htm>

having jurisdiction. The Marina del Rey LUP addresses affordable housing as a goal and includes the following policy objectives:¹⁴

- “Support and facilitate the development of housing affordable to lower income households, and encourage the dispersal of new lower-income housing throughout the unincorporated areas of the County.
- Support the design and construction of rental housing to meet the needs of lower income households, particularly large families, senior citizens, and people with disabilities.”

In addition, the most current County Board of Supervisors–approved General Plan Housing element update makes affordable housing for residents of the unincorporated areas of Los Angeles County a primary focus, and adopts six goals and numerous supporting policies regarding increased support and opportunities for affordable housing.¹⁵

The proposed policy was drafted to be in compliance with the goals cited in the Mello Act, which sets forth conditions for affordable housing within the Coastal Zone and within 3 miles thereof.

The proposed policy is also consistent with the requirements of the County’s Density Bonus Ordinance.

SCAG’s Regional Housing Needs Assessment (RHNH) states forecasted regional housing needs within the County of Los Angeles through the year 2014.¹⁶ Incorporated and unincorporated areas within County are mandated by California Government Code Section 65584 to assume their fair share of housing for the estimated population growth forecast by SCAG through the year 2014 to the extent that it is feasible and practicable.¹⁷ The proposed policy is in compliance with SCAG’s RHNH because it provides for the construction of necessary affordable housing in the Coastal Zone, as forecast by the SCAG RHNH.

The adoption and implementation of the proposed policy for County-owned Marina del Rey would not cause an overall reduction in the number of existing affordable housing units in Marina del Rey. The proposed policy would reduce the percentage of low-income inclusionary units, compared to the existing policy; however, it would provide for a net increase in numbers of low- and moderate-income inclusionary units, ensure compliance with the replacement housing obligations under the Mello Act, and eliminate the in lieu fee option in order to encourage on-site development of affordable housing in Marina del Rey. It is anticipated that Marina del Rey’s development efforts would result in a net increase of affordable housing units, owing to the fact that newly constructed developments are projected to nearly double the number of available units in the area; therefore, resulting in proposed policy compliance with the Marina del Rey LUP in relation to affordable housing. While the policy does not specifically address the development of

¹⁴ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

¹⁵ County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

¹⁶ Southern California Association of Governments (SCAG). Approved 12 July 2007. *Final Regional Housing Need Assessment Plan - Planning Period (January 1, 2006 - June 30, 2014) for Jurisdictions within the Six-County SCAG Region*. Available at: http://www.scag.ca.gov/Housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf

¹⁷ *California Government Code*, Section 65584, Amended 30 June 2007.

affordable housing for large families, senior citizens, and people with disabilities, it does not prohibit such developments, if proposed. The Mello Act does not specifically address the development of affordable housing for large families, senior citizens, and people with disabilities.

Therefore, the proposed policy would not be expected to result in significant impacts to land use and planning in relation to a conflict with adopted or proposed land use plans, policies, or regulations that were adopted for the purpose of avoiding or mitigating an environmental effect.

(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

The proposed policy would not be expected to result in impacts to land use and planning in relation to a conflict with any applicable habitat conservation plan or natural community conservation plan. The proposed policy would not affect an area proposed or adopted as part of a habitat conservation plan.¹⁸ The proposed policy area would not affect an area proposed or adopted as part of a natural community conservation plan.¹⁹ Therefore, there would be no expected impacts to land use and planning related to a conflict with any adopted habitat conservation plan or natural community conservation plan.

¹⁸ U.S. Fish and Wildlife Service. 6 July 2007. *U.S. Fish and Wildlife Service Habitat Conservation Plans*. Available at: <http://www.fws.gov/endangered/hcp/index.html>

¹⁹ California Department of Fish and Game. 6 July 2007. *California Department of Fish and Game Natural Community Conservation Planning*. Available at: <http://www.dfg.ca.gov/nccp/>

3.10 MINERAL RESOURCES

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to mineral resources, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to mineral resources in the area subject to the proposed policy was evaluated with regard to California Geological Survey publications and the County of Los Angeles General Plan.²

State CEQA Guidelines recommend the consideration of two questions when addressing the potential for the proposed policy to result in significant impacts related to mineral resources.

Would the proposed policy have either of the following effects:

- (a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The proposed policy would not be expected to result in impacts to mineral resources in relation to the loss of availability of a known mineral resource. Based on a review of California Geological Survey publications, there are no known mineral resources of state-wide or regional importance located within the area affected by the proposed policy.^{3,4} In addition, the proposed refinements to the existing affordable housing policy would not be expected to result in impacts on mineral resources. Therefore, there would be no expected impacts to mineral resources related to the loss of availability of a known mineral resource.

- (b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

The proposed policy would not be expected to result in impacts to mineral resources in relation to the loss of availability of a known mineral resource recovery site. Based on a review of the County of Los Angeles Conservation, Open Space and Recreation element, there are no known mineral resource recovery sites of local importance located within the area affected by the proposed policy.⁵ In addition, the proposed refinements to the existing affordable housing policy would not result in impacts on mineral resources. Therefore, there would be no expected impacts to mineral resources related to the loss of availability of a known locally important mineral resource recovery site.

¹ California Code of Regulations. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. Amended 9 January 1990. *County of Los Angeles General Plan, Conservation, Open Spaces and Recreation Element, 1998 – 2005*. Available at: <http://ceres.ca.gov/docs/data/0700/791/HYPEROCR/hyperocr.html>

³ California Geological Survey. 1966. *Minerals of California Volume (1866–1966)*. Bulletin 189. Los Angeles, CA.

⁴ California Geological Survey. Revised 1999. *Mines and Mineral Producers Active in California (1997–1998)*. Special Publication 103. Los Angeles, CA.

⁵ County of Los Angeles Department of Regional Planning. Amended 9 January 1990. *County of Los Angeles General Plan, Conservation, Open Spaces and Recreation Element, 1998 – 2005*. Available at: <http://ceres.ca.gov/docs/data/0700/791/HYPEROCR/hyperocr.html>

3.11 NOISE

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to noise, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to noise in the area subject to the proposed policy was evaluated with regard to the County of Los Angeles (County) General Plan² and the County Noise Control Ordinance (Ordinances 11778 and 11773).³

State CEQA Guidelines recommend the consideration of six questions when addressing the potential for the proposed policy to result in significant impacts related to noise.

Would the proposed policy have any of the following effects:

- (a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

The proposed policy would not be expected to result in impacts to noise in relation to exposure of people to or generation of noise levels in excess of established standards. The established noise thresholds for operational impacts for maximum noise levels from projects at residential land uses is 50 dBA during the day and 45 A-weighted decibels (dBA) during the evening.⁴ The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in exposure of people to or generation of noise levels in excess of established standards. Therefore, there would be no expected impacts to noise related to exposure or generation of noise levels in excess of established standards.

- (b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The proposed policy would not be expected to result in impacts to noise in relation to generation of excessive groundborne vibration or groundborne noise. For the purposes of this study, significance is based on motion velocity 0.01 inch/second over the range of 1 to 100 hertz during operation. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in exposure of people to or generation of groundbourne vibration or noise levels in excess of established standards. Therefore, there would be no expected impacts to noise related to generation of excessive groundborne vibration or groundborne noise.

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

³ County of Los Angeles. 1978. Noise Control Ordinance of the County of Los Angeles. Ord. 11778, Section 2 (Art.1, Section 101), and Ord.11773, Section 2 (Art. 1, Section 101). Available at: <http://ordlink.com/codes/lacounty/index.htm>

⁴ County of Los Angeles. 1978. Noise Control Ordinance of the County of Los Angeles. Ord. 11778, Section 2 (Art.1, Section 101), and Ord.11773, Section 2 (Art. 1, Section 101). Available at: <http://ordlink.com/codes/lacounty/index.htm>

- (c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed policy?

The proposed policy would not be expected to result in impacts to noise in relation to permanent increases in ambient noise levels. The established noise thresholds for operational impacts for maximum noise levels from projects at residential land uses is 50 dBA during the day and 45 dBA during the evening.⁵ The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase in exposure of people to or generation of a substantial permanent increase in ambient noise levels. Therefore, there would be no expected impacts to noise related to permanent increases in ambient noise levels.

- (d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed policy?

The proposed policy would not be expected to result in impacts to noise in relation to temporary or periodic increases in ambient noise levels. The thresholds for construction of a project are 75 dBA for mobile sources and 60 dBA for stationary sources at single-family residences.⁶ The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase in exposure of people to or generation of a substantial temporary or periodic increase in ambient noise levels. Therefore, there would be no expected impacts to noise related to temporary or periodic increases in ambient noise levels.

- (e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the policy expose people residing or working in the area designated by the proposed policy to excessive noise levels?

The proposed policy would not be expected to result in impacts to noise in relation to public airports. The area subject to the proposed policy is located approximately 2 miles south of the Santa Monica Airport and approximately 2 miles north of Los Angeles International Airport. Noise generated from these nearest public airports does not currently exceed established noise standards in relation to the area designated by the proposed policy. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase in exposure of people to excessive noise levels. Therefore, there would be no expected impacts to noise related to public airports.

- (f) For a project within the vicinity of a private airstrip, would the policy expose people residing or working in the area designated by the proposed policy to excessive noise levels?

The proposed policy would not be expected to result in impacts to noise in relation to private airstrips. No private airstrips exist within the vicinity of the area subject to the proposed policy. Therefore, there would be no expected impacts to noise related to private airstrips.

⁵ County of Los Angeles. 1978. Noise Control Ordinance of the County of Los Angeles. Ord. 11778, Section 2 (Art.1, Section 101), and Ord.11773, Section 2 (Art. 1, Section 101). Available at: <http://ordlink.com/codes/lacounty/index.htm>

⁶ County of Los Angeles. 1978. Noise Control Ordinance of the County of Los Angeles. Ord. 11778, Section 2 (Art.1, Section 101), and Ord.11773, Section 2 (Art. 1, Section 101). Available at: <http://ordlink.com/codes/lacounty/index.htm>

3.12 POPULATION AND HOUSING

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to population and housing, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to population and housing in the area subject to the proposed policy was evaluated with regard to state, regional, and local data and forecasts for population and housing, and the proximity of the area affected by the proposed policy to existing and planned utility infrastructure.^{2,3,4}

The County of Los Angeles (County) is the owner of all real property in the unincorporated territory of Marina del Rey. The County is also the primary land use regulatory authority for Marina del Rey through the Marina del Rey Local Coastal Program (LCP), which includes the Marina del Rey Land Use Plan (LUP) and the Marina del Rey Specific Plan. The LUP and Specific Plan establish land use policy, development standards, and guidelines, which are the principal regulatory basis for future development, preservation, and reconstruction efforts in Marina del Rey. The County derives income from long-term leases with residential and commercial developers who have constructed residential apartment complexes and retail, hotel, restaurant, and other commercial developments in Marina del Rey on their leased parcels. These long-term leases would expire within the next 20 years and are currently being renegotiated by the County for the purpose of building new developments in place of existing ones, consistent with the development allowances provided for in the LUP and Specific Plan.

According to the latest available figures, Marina del Rey's current population is 8,661. According to the Southern California Association of Government's analysis, which is based on U.S. Census data for 1990 and 2000, the population of the County of Los Angeles grew 7.4 percent during that 10-year period. If Marina del Rey follows these trends, its projected population for the year 2010 would be 9,187, a growth in population of 1,011 individuals. Current households number 5,315; 407 units are owner-occupied and 4,908 are renter-occupied.⁵ There is an average of 2.31 individuals per household currently. Projected population growth would require, based on current average numbers of individuals in occupied units, a minimum of 438 new units. The newest redevelopment forecasts provided by the County of Los Angeles include Parcels 10 (Legacy-Neptune), 64 (Lyon-Villa Venetia), and 33/NR (EMC Development Company). This forecast demonstrates that 360 units would be demolished and replaced by 1,197 units. With an average of 2.31 individuals inhabiting each unit, the number of potentially displaced persons for these particular developments is 831.6 and the expected occupancy of the redeveloped projects would be 2,765 individuals.

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

³ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁴ Southern California Association of Governments (SCAG). 1998. *Affordable Housing Risk Assessment*. Available at: <http://api.ucla.edu/rhna/affordableHousingRiskAssessment/studiesreports/Frame.htm>

⁵ One residential development in Marina del Rey includes long-term condominium subleases.

The proposed policy would provide that all current occupants be given notice of any proposed new residential development in conjunction with the income survey required to determine the appropriate number of replacement units. The proposed policy would require that this notice be given prior to completion of term sheet negotiations with the Department of Beaches and Harbors (DBH), and would not be intended to serve as or replace any other legal notices relating to the demolition of residential dwelling units or the termination of residential tenancies required by State law, which requires notice to tenants prior to the filing of an application to demolish a residential structure and generally requires a minimum of 30 days' notice of termination of tenancy for tenants in residence less than one year and 60 days' notice of termination for tenants in residence for more than one year.⁶ According to the County, the notice required for the income survey pursuant to the proposed policy would generally be given a year or more in advance of the issuance of entitlements for the project.

The Mello Act protects against the eviction of existing low- or moderate-income tenants for the purpose of avoiding the replacement housing obligations by requiring that a residential dwelling unit be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit, if the eviction was for the purpose of avoiding the replacement housing obligations. The Mello Act further requires that if a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of the replacement housing obligations under the Mello Act and the applicant shall bear the burden of proving the evictions were not for the purpose of avoiding said requirements. For the purposes of the proposed policy, the presumption period would run one year prior to the commencement of term sheet negotiations with DBH. If the applicant cannot demonstrate that the tenant(s) were evicted for cause rather than to avoid the Mello Act replacement housing obligations during that period, the unit(s) would be deemed occupied by a low- or moderate-income person or family. Thus, the proposed policy would expand upon the protection contained in the Mello Act against unwarranted displacement of tenants, as term sheet negotiations usually commence a year or more prior to the filing of an application for entitlements.

Based upon the proposed policy and State law, this analysis assumes that individuals potentially displaced by development in Marina del Rey would have no less than 30 days' notice and in most cases notice in excess of one year from their actual displacement. The County provided data for existing or pre-development unit counts and vacancies and anticipated post development unit counts that indicate that there would be a net increase of 2,004 units in Marina del Rey (Table 3.12-1, *Marina del Rey Unit Counts and Vacancies*).

⁶ See California Civil Code §§ 1940.6 and 1946.1.

**TABLE 3.12-1
MARINA DEL REY UNIT COUNTS AND VACANCIES**

Parcel Number	Name	Existing or Predevelopment	May 2007 Vacancy	Vacancy Rate	Proposed, Approved, or No Change*
7	Tahiti Marina	149	3	2.0%	149
8	The Bay Club Apts & Marina	205	7	3.4%	205
10	Neptune Marina (Legacy Partners)	136	NA		526
12	Deauville (old name) Esprit I (new name)	120	NA	0.0%	437
13	Villa del Mar Marina	196	8	4.1%	196
15	Bar Harbor Marina	288	4	1.4%	585
18	Dolphin Marina Ltd.	332	22	6.6%	332
20	Capri Apartments	0	11		99
28	Mariners Bay	379	28	7.4%	379
33	Harbor House (old) The Waterfront (new)	0	NA		292
64	Villa Venetia Apts	224	NA	0.0%	263
100	Del Rey Shores	77	2	2.6%	544
101	Del Rey Shores North	125	4	3.2%	
102	Archstone MdR	623	37	5.9%	623
103	Oakwood Garden Apts	597	22	3.7%	597
111	Marina Harbor Apts.& Anchorage	240	20	8.3%	240
112	Marina Harbor Apts.& Anchorage	606	NA	0.0%	726
113	Mariners Village	981	36	3.7%	981
140	Admiralty Apartments	64	NA	0.0%	172
125	Marina City Club	101	2	2.0%	101
Total		5,443			7,447

NOTES:

* Some parcels are under construction and do not have an existing unit.

NA = not available

Available data for the County of Los Angeles indicate that average relocation time is two to four weeks (Table 3.12-2, *Relocation Timeframes*).

**TABLE 3.12-2
RELOCATION TIMEFRAMES**

Source	Average relocation time (in weeks)
Manager, WestsideRentals.com	2-3 weeks
Robert Sheehan, Consulting Economist, National Apartment Association	2-3 weeks
Staff, Los Angeles Housing Authority	3-4 weeks

The purpose of the Marina del Rey Affordable Housing Policy is limited to ensuring that all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacement units), and creating new affordable housing units (inclusionary units), where feasible. As stipulated in the policy, determining feasibility of on-site affordable housing for a project would be undertaken on a project-by-project basis. If the County determines that on-site affordable housing initially appears infeasible, the County shall work with

the project applicant to explore the potential use of density bonuses and other incentives and potential economic aid, such as tax credits and/or below market bond financing or grants as a means of making on-site affordable housing feasible. County rent adjustments to comply with the affordable housing requirement may be available and would be subject to negotiation on a project-by-project basis.

Mello Act obligations for new development in Marina del Rey would be determined by the Regional Planning Commission based upon a joint recommendation by the Department of Regional Planning (DRP), the CDC, and the DBH made prior to the Regional Planning Commission's consideration of an application for a CDP or any other discretionary land use entitlements or non-discretionary permits necessary to the project based on this proposed policy.

If it is determined by the Regional Planning Commission, after careful consideration of the joint recommendation, that providing the inclusionary units on-site would cause the project to be infeasible by virtue of the applicant being unable to successfully complete the project within a reasonable period of time, taking into account economic, environmental, social, and technical factors, then construction of such affordable units may be permitted off-site in the following priority order:

1. In the Coastal Zone within unincorporated territory of the County of Los Angeles;
2. Within 3 miles of the Coastal Zone in the unincorporated territory of the County of Los Angeles;
3. In the Coastal Zone within incorporated territory of the County of Los Angeles; or
4. Within 3 miles of the Coastal Zone in incorporated territory of the County of Los Angeles.

The obligation to construct or rehabilitate affordable replacement and/or inclusionary housing units off-site would be the sole responsibility of the project applicant. The off-site affordable housing units shall be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market-rate development, but in no event later than three years from the issuance of a building permit for the new development project.

A key element of the proposed policy is to eliminate the previous provision for an in-lieu fee program; no in-lieu fee program would be available to comply with either the replacement or inclusionary housing obligations.

State CEQA Guidelines recommend the consideration of three questions when addressing the potential for the proposed policy to result in significant impacts related to population and housing.

Would the proposed policy have any of the following effects:

- (a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed policy would not be expected to result in impacts to population and housing in relation to inducing substantial direct or indirect population growth. The proposed policy would not directly result in the construction of new homes or businesses and would not extend infrastructure into areas not currently served by roads and utilities. In addition, the proposed policy does not indirectly induce substantial population growth because the proposed policy would not

increase the potential build out of current development allowances contained in the LUP and the Specific Plan. Therefore, there would be no expected impacts to population and housing related to inducing substantial direct or indirect population growth.

- (b) Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?

The proposed policy would not be expected to result in impacts to population and housing in relation to the displacement of substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere. The proposed policy calls for replacement of existing affordable housing units on a 1 to 1 basis. Because new housing projects that are including replacement housing are projected to have larger numbers of units than the housing projects they are replacing, numbers of affordable housing units would be expected to increase. Therefore, there would be no expected impacts to population and housing related to the displacement of substantial amounts of existing housing.

- (c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The proposed policy would not be expected to result in impacts to population and housing in relation to the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. This analysis is limited to the change from the current policy (the existing condition) to the proposed policy. The proposed policy would provide affordable replacement housing in compliance with the Mello Act. The existing policy has a provision for payment of an in-lieu fee that creates a potential for net displacement of persons or families of low or moderate income pending construction of affordable housing with in-lieu fees at some time in the future. Under the proposed policy, replacement units would be constructed on-site or within the Coastal Zone or 3 miles thereof. The off-site affordable housing units would be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market-rate development, but in no event later than three years from the issuance of a building permit for the new development project. Thus, the proposed policy would provide for the construction of sufficient replacement housing in a timely manner to prevent the necessity to construct replacement housing elsewhere.

The proposed policy also calls for the notification of all current tenants of proposed demolition or conversion plans well in advance of actual displacement. This notification would be in addition to and would not supercede State and local noticing requirements that would provide a minimum of 30 days' notice (60 days' notice to tenants of one year or more) to potentially displaced individuals and in most cases more than a year's notice. Data provided by the County for Marina del Rey indicates that vacancy rates range from 0 to 8.3 percent and that there would be a net increase of 2,004 units in Marina del Rey (Table 3.12-1). Therefore, the data provided by the County indicate that the Marina del Rey market would appear to have sufficient capacity to absorb individuals who are temporarily displaced during redevelopment of individual properties. Average relocation time is two to four weeks (Table 3.12-2). Thus, the proposed policy would provide sufficient notice of potential displacement, given the vacancy rates, net increase in units, general market conditions, and average relocation time, to absorb individuals who are temporarily displaced. Therefore, there would be no expected impacts to population and housing related to the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere.

3.13 PUBLIC SERVICES

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to public services, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to public services in the area subject to the proposed policy was evaluated based on review of the County of Los Angeles (County) General Plan,² the County of Los Angeles Web site,³ and telephone conversations with the County Sheriff and Fire Departments.

State CEQA Guidelines recommend the consideration of one question when addressing the potential for the proposed policy to result in significant impacts related to public services.

Would the proposed policy result in the following effects:

- (a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following five public services:

- i) Fire protection

The proposed policy would not be expected to result in impacts to public services in relation to fire protection. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in fire protection needs. The proposed refinements to the existing affordable housing policy would not be expected to have an effect on fire protection needs. The nearest station to the area subject to the proposed policy is Fire Station 110, which is located at 4433 Admiralty Way, Marina del Rey, California 90292, within the area subject to the proposed policy and less than 1 mile from the residential portions of the area. Fire Station 110 is served by 9 personnel at one time, and has one engine, one truck, and one boat. Currently, the response time by Fire Station 110 is 3 to 5 minutes.⁴ The proposed policy would not be expected to impede or increase response time for fire protection purposes. Therefore, there would be no expected impacts to public services related to fire protection.

- ii) Police protection

The proposed policy would not be expected to result in impacts to public services in relation to police protection. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in police protection needs. Police protection services in the area subject to the proposed policy would be provided by the County Sheriff's Department Pacific Division, Marina del Rey Station, located at 13851 Fiji Way, within the area

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

³ County of Los Angeles. Accessed 2 July 2007. Web site. Available at: <http://lacounty.info/>

⁴ Padilla, Sam, Inspector, County of Los Angeles Fire Protection District. 5 July 2007. Personal communication with Tony Barranda, Sapphos Environmental, Inc., Pasadena, CA.

subject to the proposed policy. The estimated response time for priority calls is within 10 minutes.⁵ The proposed policy would not induce population growth and would not require additional Sheriff's Department personnel or construction of new Sheriff's Department facilities. Therefore, there would be no expected impacts to public services related to police protection.

iii) Schools

The proposed policy would not be expected to result in impacts to public services in relation to schools. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in school needs. The area subject to the proposed policy is located within Local District 3 of the Los Angeles Unified School District, which operates approximately 5 elementary schools, 3 middle schools, and 2 high schools in the vicinity of the area subject to the proposed policy.⁶ The proposed policy would not be expected to induce population growth beyond the growth expected before the change in policy or as currently existing. Therefore, there would be no expected impacts to public services related to schools.

iv) Parks

The proposed policy would not be expected to result in impacts to public services in relation to parks. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in park needs. There is only one park, Burton Chace Park, 13650 Mindanao Way, Marina del Rey, within an approximate 1-mile radius of the area subject to the proposed policy.⁷ The proposed policy would not be expected to induce population growth and would not increase the level of demand on existing park facilities within the Marina del Rey area. Therefore, there would be no expected impacts to public services related to parks.

v) Other public facilities

The proposed policy would not be expected to result in impacts to public services in relation to other public facilities. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in other public facility needs. The area subject to the proposed policy is adequately served by public facilities, including a U.S. Post Office located at 4766 Admiralty Way, approximately 0.1 mile to the east⁸ and the Lloyd Taber-Marina del Rey Public Library located at 4533 Admiralty Way, approximately 0.1 mile to the east.⁹ The area subject to the proposed policy would be expected to have a comparable number of users to public services and other facilities, including libraries, energy, natural gas, communications systems, water service, sanitary sewers, and solid and waste processing facilities as currently existing. Therefore, there would be no expected impacts to public services related to other public facilities.

⁵ Tatar, Chris, Sergeant, County of Los Angeles Sheriff's Station. 10 July 2007. Personal communication with Tony Barranda, Sapphos Environmental, Inc., Pasadena, CA.

⁶ Los Angeles Unified School District. Accessed 2 July 2007. Web site. Available at: <http://notebook.lausd.net/schoolsearch/search.jsp> and http://www.lausd.net/District_3/es.htm

⁷ County of Los Angeles Department of Beaches and Harbors. Accessed 10 July 2007. Web site. "Chace Park." Available online: <http://beaches.co.la.ca.us/BandH/Marina/ChacePark.htm>

⁸ United States Postal Service. Accessed 10 July 2007. Web site. Available at: http://www.switchboard.com/usps.1355/dir/6_0/index.htm?mem=1355

⁹ County of Los Angeles Public Library. Accessed 10 July 2007. Web site. Available at: <http://www.colapublib.org/libr/>

3.14 RECREATION

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to recreation, thus requiring the consideration of mitigation measures or alternatives in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for the proposed policy to result in impacts related to recreation in the area subject to the proposed policy was evaluated with regard to expert opinion, technical studies, and other substantial evidence.

State CEQA Guidelines recommend the consideration of two questions when addressing the potential for the proposed policy to result in significant impacts related to recreation.

Would the proposed policy have any of the following effects:

- (a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed policy would not be expected to result in impacts to recreation in relation to increased use of existing neighborhood and regional parks or other recreational facilities that would contribute to their physical deterioration. The proposed policy would not alter, reference, or provide guidance regarding the development or impacts to recreational elements, which may contribute to their physical deterioration. Projects affected by the proposed policy would require a project-level analysis regarding recreation and would require compliance with the County of Los Angeles General Plan Conservation, Open Spaces and Recreation element and the Marina del Rey Land Use Plan, a component of the County of Los Angeles Local Coastal Program.^{2,3} The proposed policy would not conflict with the existing recreation plan and would not cause an increased use of existing neighborhood and regional parks or other recreational facilities that would contribute to their physical deterioration. Therefore, there would be no expected impacts to recreational facilities resulting in a physical division to the established community.

- (b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed policy would not be expected to result in adverse physical effects on the environment as a result of existing recreational facilities or proposed construction or expansion of recreational facilities. The proposed policy does not alter, reference, or provide guidance regarding the construction or expansion of recreational facilities. The proposed refinements to the existing affordable housing policy would not directly or indirectly result in impacts to existing recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment. Future development activities that may impact recreational facilities or the environment and/or result in the expansion or construction of new

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. Amended 9 January 1990. *County of Los Angeles General Plan, Conservation, Open Spaces and Recreation Element, 1998 – 2005*. Available at: <http://ceres.ca.gov/docs/data/0700/791/HYPEROCR/hyperocr.html>

³ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan Amendment* (Certified by California Coastal Commission). Los Angeles, CA.

recreational facilities would require a project-level analysis regarding recreation, and would require additional environmental compliance. Therefore, there would be no expected impacts to recreation related to adverse physical effects on the environment as a result of existing recreational facilities or proposed construction or expansion of recreational facilities.

3.15 TRANSPORTATION/TRAFFIC

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to transportation and traffic, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to transportation and traffic in the area subject to the proposed policy was evaluated with regard to the County of Los Angeles (County) General Plan,^{2,3} the adopted Congestion Management Program (CMP),⁴ and the Marina del Rey Land Use Plan,⁵ a component of the County Local Coastal Program.

State CEQA Guidelines recommend the consideration of seven questions when addressing the potential for the proposed policy to result in significant impact related to transportation and traffic.

Would the proposed policy have any of the following effects:

- (a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

The proposed policy would not be expected to result in impacts to traffic and transportation from creating a substantial increase in traffic in relation to the existing traffic and capacity of the street system. The proposed policy would not directly generate new or additional trips as it is not anticipated to increase development in the area more than would be expected under the existing affordable housing policy. The intersection of Lincoln Boulevard (State Route 1) at the Marina Freeway (State Route 90) was operating at a level of service (LOS) C in 2003. The intersection had not received a significant increase in traffic congestion from 1992 to 2003 as the volume to capacity (V/C) had not increased by more than 10 percent.⁶ Future development projects will require a project-level analysis pursuant to CEQA. Therefore, there would be no expected impacts to transportation and traffic related to creating a substantial increase in traffic.

- (b) Exceed, either individually or cumulatively, a level of service (LOS) standard established by the county congestion management agency for designated roads or highways?

The proposed policy would not be expected to result in impacts to transportation and traffic in relation to exceeding, either individually or cumulatively, an LOS standard established by the County congestion management agency for designated roads or highways. The proposed policy would not directly generate new or additional trips as it is not anticipated to increase development

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

³ County of Los Angeles Department of Regional Planning. 1993. *County of Los Angeles Streamlined General Plan*. Los Angeles, CA.

⁴ County of Los Angeles Metropolitan Transportation Authority. 2004. *2004 Congestion Management Program for Los Angeles County*. Los Angeles, CA.

⁵ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

⁶ County of Los Angeles Metropolitan Transportation Authority. 2004. *2004 Congestion Management Program for Los Angeles County*. Los Angeles, CA.

in the area more than would be expected under the existing affordable housing policy. The County CMP set the threshold for arterial roadways to achieve an LOS E or above.⁷ The intersection of Lincoln Boulevard (State Route 1) at the Marina Freeway (State Route 90) was operating at LOS C in 2003. The intersection had not received a significant increase in traffic congestion from 1992 to 2003 as the V/C had not increased by more than 10 percent.⁸ Future development projects will require a project-level analysis pursuant to CEQA. Therefore, there would be no expected impacts to transportation and traffic related to exceeding an LOS standard established by the County congestion management agency for designated roads or highways.

- (c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

The proposed policy would not be expected to result in impacts to transportation and traffic in relation to a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. The proposed project would not directly or indirectly modify any existing air traffic patterns. The proposed policy includes refinements to the existing affordable housing policy to preserve existing affordable housing supplies (replacement units) and support the creation of new affordable housing units (inclusionary units) within the Marina del Rey Land Use Plan area. Therefore, there would be no expected impacts to transportation and traffic related to a change in air traffic patterns that results in substantial safety risks.

- (d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The proposed policy would not be expected to result in impacts to transportation and traffic in relation to substantially increasing hazards due to a design feature or incompatible uses. The proposed policy does not include any direct development. Therefore, there would be no expected impacts to transportation and traffic related to substantially increasing hazards due to a design feature.

- (e) Result in inadequate emergency access?

The proposed policy would not be expected to result in impacts to transportation and traffic in relation to inadequate emergency access. The proposed policy does not include any direct development. Therefore, there would be no expected impacts to transportation and traffic related to inadequate emergency access.

- (f) Result in inadequate parking capacity?

The proposed policy would not be expected to result in impacts to transportation and traffic in relation to inadequate parking capacity. The proposed policy does not include any direct development. Therefore, there would be no expected impacts to transportation and traffic related to inadequate parking capacity.

⁷ County of Los Angeles Metropolitan Transportation Authority. 2004. *2004 Congestion Management Program for Los Angeles County*. Los Angeles, CA.

⁸ County of Los Angeles Metropolitan Transportation Authority. 2004. *2004 Congestion Management Program for Los Angeles County*. Los Angeles, CA.

- (g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?

The proposed policy would not be expected to result in impacts to transportation and traffic in relation to policies, plans, or programs supporting alternative transportation. The proposed policy does not include any direct development that would conflict with alternative transportation in the area. Therefore, there would be no expected impacts to transportation and traffic related to policies, plans, or programs supporting alternative transportation.

3.16 UTILITIES AND SERVICE SYSTEMS

This analysis is undertaken to determine if the proposed refinements to the Marina del Rey Affordable Housing Policy (proposed policy) may have a significant impact to utilities and service systems, thus requiring the consideration of mitigation measures or alternatives, in accordance with Section 15063 of the State of California Environmental Quality Act (CEQA) Guidelines.¹ The potential for impacts related to utilities and service systems in the area subject to the proposed policy was evaluated with regard to the California Integrated Waste Management Board Web site,² the County of Los Angeles (County) General Plan Safety element,³ and the State of California Regional Water Quality Control Board (RWQCB) Basin Plan for the Los Angeles Regional Water Quality Control Board.⁴

State CEQA Guidelines recommend the consideration of seven questions when addressing the potential for the proposed policy to result in significant impacts related to utilities and service systems.

Would the proposed policy have any of the following effects:

- (a) Exceed wastewater treatment requirements of the applicable regional water quality control board?

The proposed policy would not be expected to result in impacts to utilities and service systems in relation to exceeding wastewater treatment requirements of the RWQCB. The proposed policy would not generate wastewater usage that exceeds the treatment standards set by the RWQCB in the area designated by the proposed policy. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in wastewater treatment requirements in excess of established standards. Therefore, there would be no expected impacts to utilities and service systems related to exceeding RWQCB wastewater treatment requirements.

- (b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The proposed policy would not be expected to result in impacts to utilities and service systems in relation to the construction of new water or wastewater treatment facilities or expansion of facilities causing significant environmental effects. The proposed policy would require continued infrastructural connection with the existing wastewater treatment facility, Hyperion Treatment Plant,⁵ for the area subject to the proposed policy. Although the area affected by the proposed

¹ *California Code of Regulations*. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.

² California Integrated Waste Management Board. Accessed 2 July 2007. Web Site. Available at: <http://www.ciwmb.ca.gov/>.

³ County of Los Angeles Department of Regional Planning. 1990. *County of Los Angeles General Plan, Safety Element*. Los Angeles, CA.

⁴ California Regional Water Quality Control Board, Los Angeles Region (4). 1994. *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*. Available at: http://www.waterboards.ca.gov/losangeles/html/meetings/tmdl/Basin_plan/basin_plan_doc.html.

⁵ City of Los Angeles Sewers. Accessed 10 July 2007. Web Site. "Hyperion Treatment Plant." Available at: http://www.lasewers.org/treatment_plants/hyperion/index.htm

policy generates a significant amount of wastewater, the discharge volumes are within the facility's processing capacity and would not require the construction of a new wastewater treatment facility. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in wastewater treatment requirements in excess of established standards. Therefore, there would be no expected impacts to utilities and service systems related to the construction of new water or wastewater treatment facilities or expansion of facilities, causing significant environmental effects.

- (c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?

The proposed policy would not be expected to result in impacts to utilities and service systems in relation to the construction of new storm water drainage facilities or expansion of existing facilities, which could cause significant environmental impacts. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in storm water drainage facility requirements in excess of established standards. Comparable numbers of residents in the area would be generating the same amount usage for existing storm water drainage facilities. No construction of additional or expansion of existing storm water drainage facilities would be required. Therefore, there would be no expected impacts to utilities and service systems related to the construction of new storm water drainage facilities or expansion of existing facilities, which could cause significant environmental impacts.

- (d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The proposed policy would not be expected to result in impacts to utilities and service systems in relation to having sufficient water supplies available to serve the project from existing entitlements and resources. The RWQCB Los Angeles Region Basin Plan allows for sufficient available supplies for the area's general projected growth.⁶ The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in water supply requirements in excess of established standards. Comparable numbers of residents in the area would be generating the same amount water usage and need. The proposed policy would not be expected to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level for the area designated by the proposed policy. No new or expanded entitlements would be required to provide sufficient water as a result of the proposed policy. Therefore, there would be no expected impacts to utilities and service systems related to having sufficient water supplies available to serve the project from existing entitlements and resources.

- (e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The proposed policy would not be expected to result in impacts to utilities and service systems resulting in a determination by the wastewater treatment provider that serves or may serve the area affected by the proposed policy that it has adequate capacity to serve the area's projected demand

⁶ California Regional Water Quality Control Board, Los Angeles Region (4). 1994. *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*. Available at: http://www.waterboards.ca.gov/losangeles/html/meetings/tmdl/Basin_plan/basin_plan_doc.html

in addition to the provider's existing commitments. The quality of storm water runoff is regulated under the National Pollutant Discharge Elimination System (NPDES) permit. The NPDES storm water permit (CAS614001, Order No. 1-182) issued to the County by the RWQCB, Los Angeles Region, provides a mechanism for establishing appropriate controls and monitoring the discharge of pollutants to the storm water runoff system. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in wastewater facility requirements in excess of established standards. Comparable numbers of residents in the area would be generating and requiring the same amount of wastewater. Therefore, there would be no expected impacts to utilities and service systems resulting in a determination by the wastewater treatment provider that serves or may serve the area affected by the proposed policy that it has adequate capacity to serve the area's projected demand in addition to the provider's existing commitments.

- (f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The proposed policy would not be expected to result in impacts to utilities and service systems in relation to being served by a landfill with sufficient permitted capacity to accommodate the area affected by the proposed policy's solid waste disposal needs. The area affected by the proposed policy would be served by the Puente Hills Landfill operated by the Sanitation Districts of Los Angeles County and located at 13130 Crossroads Parkway, City of Industry, approximately 32 miles east of the area subject to the proposed policy. As of October 2003, Puente Hills Landfill's remaining solid waste capacity was approximately 106,400,000 cubic yards and was not expected to reach full capacity until the year 2013.⁷ The extent to which the area affected by the proposed policy would contribute to the overall waste stream is negligible. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or decrease in landfill facility requirements in excess of established standards. Comparable numbers of residents in the area would be generating the same amount of waste for disposal. Therefore, there would be no expected impacts to utilities and service systems related to being served by a landfill with sufficient permitted capacity to accommodate the area affected by the proposed policy's solid waste disposal needs.

- (g) Comply with federal, state, and local statutes and regulations related to solid waste?

The proposed policy would not be expected to result in impacts to utilities and service systems in relation to compliance with federal, state, and local statutes and regulations related to solid waste. The proposed policy would comply with all waste disposal regulation, including the California Integrated Waste Management Act of 1989 and the California Solid Waste Reuse and Recycling Access Act of 1991, and would not be expected to generate any hazardous wastes. The proposed refinements to the existing affordable housing policy would not be expected to result in a net increase or producing solid waste in excess of established standards. Comparable numbers of residents in the area would be generating the same amount of waste for disposal. Therefore, there would be no expected impacts to utilities and service systems related to compliance with federal, state, and local statutes and regulations related to solid waste.

⁷ California Integrated Waste Management Board. Accessed 10 July 2007. Web Site. Available at: <http://www.ciwmb.ca.gov/>

SECTION 4.0 REFERENCES

- California Code of Regulations. Title 14, Division 6, Chapter 3, Sections 15000–15387, Appendix G.
- California Department of Conservation, Division of Land Resource Protection, Farmland Mapping and Monitoring Program. 2004. *Important Farmland in California, 2002*. Sacramento, CA.
- California Department of Fish and Game. 2002. *Rarefind 2: A Database Application for the Use of the California Department of Fish and Game Natural Diversity Data Base*. Sacramento, CA.
- California Department of Fish and Game. 6 July 2007. *California Department of Fish and Game Natural Community Conservation Planning*. Available at: <http://www.dfg.ca.gov/nccp/>
- California Department of Housing and Community Development. August 2006. *Home – Long-term Monitoring*. Sacramento, CA. Available at: http://www.hcd.ca.gov/fa/home/CHDO-Management_Questionnaire.doc
- California Department of Housing and Community Development. 18 April 2007. *Official State Income Limits for 2007*. Sacramento, CA. Available at: <http://www.hcd.ca.gov/hpd/hrc/rep/state/inc2k7.pdf>
- California Department of Housing and Community Development. Accessed 11 December 2007. *State CDBG's and Home's Table of 2007 Income Limits*. Sacramento, CA: Available at: http://www.hcd.ca.gov/hpd/hrc/rep/state/cdbg_home07.pdf
- California Geological Survey. 1966. *Minerals of California Volume (1866–1966)*. Bulletin 189. Los Angeles, CA.
- California Geological Survey. 1998. *Seismic Hazard Zone Report 036*. Los Angeles, CA.
- California Geological Survey. 1999. Web site. Alquist-Priolo Earthquake Fault Zoning Map. Available at: <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>
- California Geological Survey. 1999. *Seismic Hazard Evaluation of the Venice 7.5–Minute Series Topographic Quadrangle, Los Angeles County, California*. Open File Report 98-27. Los Angeles, CA.
- California Geological Survey. Revised 1999. *Mines and Mineral Producers Active in California (1997–1998)*. Special Publication 103. Los Angeles, CA.
- California Government Code, Section 65584, Amended 30 June 2007.
- California Government Code, Section 65590 and 65590.1. 1982: “The Mello Act.” Available at: <http://law.justia.com/california/codes/gov/65590-65590.1.html>
- California Integrated Waste Management Board. Accessed 2 July 2007. Web Site. Available at: <http://www.ciwmb.ca.gov/>

California Regional Water Quality Control Board, Los Angeles Region (4). 1994. *Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties*. Available at: http://www.waterboards.ca.gov/losangeles/html/meetings/tmdl/Basin_plan/basin_plan_doc.html

California Regional Water Quality Control Board, Los Angeles Region. 1995. *Water Quality Control Plan, Los Angeles Region*. Monterey Park, CA.

City of Los Angeles Rent Stabilization Ordinance, Tenant Evictions, Section 151.09(G).

City of Los Angeles Sewers. Accessed 10 July 2007. Web Site. "Hyperion Treatment Plant." Available at: http://www.lasewers.org/treatment_plants/hyperion/index.htm

County of Los Angeles. 1978. Noise Control Ordinance of the County of Los Angeles. Ord. 11778, Section 2 (Art.1, Section 101), and Ord.11773, Section 2 (Art. 1, Section 101). Available at: <http://ordlink.com/codes/lacounty/index.htm>

County of Los Angeles. Adopted August 2006. County of Los Angeles Density Bonus Ordinance. Available at: http://planning.co.la.ca.us/doc/ord/Density_ord_adopted.pdf

County of Los Angeles. Accessed 2 July 2007. Web site. Available at: <http://lacounty.info/>

County of Los Angeles Department of Beaches and Harbors. Accessed 10 July 2007. Web site. "Chace Park." Available at: <http://beaches.co.la.ca.us/BandH/Marina/ChacePark.htm>

County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan*. Los Angeles, CA.

County of Los Angeles Department of Regional Planning. November 1980. *County of Los Angeles General Plan, Safety Element*. Los Angeles, CA.

County of Los Angeles Department of Regional Planning. 1993. *County of Los Angeles Streamlined General Plan*. Los Angeles, CA.

County of Los Angeles Department of Regional Planning. 2002. *Marina del Rey Affordable Housing Policy* (Certified by Los Angeles County Board of Supervisors). Los Angeles, CA.

County of Los Angeles Department of Regional Planning. 23 October 2001. *County of Los Angeles General Plan, Housing Element, 1998–2005*. Available at: http://planning.co.la.ca.us/doc/gp/gpHousing/gpd_housing.pdf

County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan* (Certified by California Coastal Commission). Los Angeles, CA.

County of Los Angeles Department of Regional Planning. Amended 9 January 1990. *County of Los Angeles General Plan, Circulation Element*. Available at: www.ceres.ca.gov/docs/data/0700/791/HYPEROCR/hyperocr.html

- County of Los Angeles Department of Regional Planning. Amended 9 January 1990. *County of Los Angeles General Plan, Conservation, Open Spaces and Recreation Element*. Available at: <http://ceres.ca.gov/docs/data/0700/791/HYPEROCR/hyperocr.html>
- County of Los Angeles Metropolitan Transportation Authority. 2004. *2004 Congestion Management Program for Los Angeles County*. Los Angeles, CA.
- County of Los Angeles Public Library. Accessed 10 July 2007. Web site. Available at: <http://www.colapublib.org/libs/>
- Environmental Data Resources, Inc. 2007. EDR Radius Map with GeoCheck. Milford, CT.
- Federal Emergency Management Agency. November 1985. Flood Insurance Rate Map, Los Angeles County California (Unincorporated Areas), Community Panel Number 065043 0905 C. Jessup, MD: FEMA Map Service Center.
- Los Angeles County Airport Land Use Commission. Adopted 19 December 1991 (revised 1 December 2004). *Los Angeles County Airport Land Use Plan*. Prepared by: County of Los Angeles Department of Regional Planning. Available at: http://planning.co.la.ca.us/doc/aluc/ALUC_CLUP.pdf
- Los Angeles County Code*, Part 3, Chapter 22.46, certified by California Coastal Commission 10 May 1995.
- Los Angeles Unified School District. Accessed 2 July 2007. Web site. Available at: <http://notebook.lausd.net/schoolsearch/search.jsp> and http://www.lausd.net/District_3/es.htm
- Padilla, Sam, Inspector, County of Los Angeles Fire Protection District. 5 July 2007. Personal communication with Tony Barranda, Sapphos Environmental, Inc., Pasadena, CA.
- Southern California Association of Governments (SCAG). 2007. *Regional Housing Needs Assessment*. Available at: <http://www.scag.ca.gov/Housing/rhna/index.htm>
- Southern California Association of Governments (SCAG). 1998. *Affordable Housing Risk Assessment*. Available at: <http://api.ucla.edu/rhna/affordableHousingRiskAssessment/studiesreports/Frame.htm>
- Southern California Association of Governments (SCAG). Approved 12 July 2007. *Final Regional Housing Need Assessment Plan - Planning Period (January 1, 2006 - June 30, 2014) for Jurisdictions within the Six-County SCAG Region*. Available at: http://www.scag.ca.gov/Housing/pdfs/rhna/RHNA_FinalAllocationPlan071207.pdf
- Tatar, Chris, Sergeant, County of Los Angeles Sheriff's Station. 10 July 2007. Personal communication with Tony Barranda, Sapphos Environmental, Inc., Pasadena, CA.
- U.S. Census Bureau. 2000. United States Census 2000. Available at: <http://www.census.gov/main/www/cen2000.html>

U.S. Environmental Protection Agency. 2005. "Federal Clean Air Act, Title I, Air Pollution Prevention and Control." Available at: <http://www.epa.gov/oar/caa/contents.html>

U.S. Fish and Wildlife Service. 6 July 2007. *U.S. Fish and Wildlife Service Habitat Conservation Plans*. Available at: <http://www.fws.gov/endangered/hcp/index.html>

U.S. Geological Survey. [1964] Photorevised 1981. 7.5-Minute Series Topographic Quadrangle, Venice, California. Reston, VA.

U.S. Postal Service. Accessed 10 July 2007. Web site. Available at: http://www.switchboard.com/usps.1355/dir/6_0/index.htm?mem=1355

SECTION 5.0

REPORT PREPARATION PERSONNEL

The following individuals contributed to the preparation of this document.

5.1 COUNTY OF LOS ANGELES

<i>Contributor:</i>	<i>Title:</i>	<i>Area of Responsibility:</i>
John S. Edmisten	Assistant Chief Executive Officer County of Los Angeles Chief Executive Office	Principal Project Manager
Santos H. Kreimann	Deputy Director County of Los Angeles Department of Beaches and Harbors	Project Manager
Tom Faughnan	County of Los Angeles Office of County Counsel	Project Counsel

5.2 SAPPHOS ENVIRONMENTAL, INC.

<i>Contributor:</i>	<i>Title:</i>	<i>Area of Responsibility:</i>
Jessica Rappaport	Environmental Compliance Manager	Senior Project Manager
Eric Charlton	GIS and Planning Manager	Senior Project Manager
Susan Zoske	Environmental Coordinator	Project Manager
Edward Belden	Environmental Coordinator	Transportation and Traffic Hydrology and Water Quality
Andrew Hall	Environmental Analyst	Aesthetics Population and Housing Land Use and Planning
Madeline Worsnopp	Environmental Analyst	Air Quality Geology and Soils Mineral Resources Hazards and Hazardous Materials
Jacob Goldfarb	Environmental Analyst	Biological Resources Agricultural Resources
Shannon Carmack	Cultural Resources Analyst	Cultural Resources Recreation

<i>Contributor:</i>	<i>Title:</i>	<i>Area of Responsibility:</i>
Tony Barranda	Environmental Analyst	Public Services Utilities and Service Systems Noise
Samantha Ortiz	Technical Editor	Editing and Document Production

SECTION 6.0

DISTRIBUTION LIST

State

- Office of Planning & Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, CA 95814
- John Ainsworth
Senior Deputy Director South Coast
Area Office
California Coastal Commission
200 OceanGate, Suite 1000
Long Beach, CA 90602-4302
- Michael Mulligan
California Department of Fish and
Game
4949 Viewridge Avenue
San Diego, CA 92123
- Cheryl J. Powell
District 7, Regional Planning
California Department of
Transportation
IGR/CEQA Branch
100 Main Street, MS#16
Los Angeles, CA 90012-3606
- Milford Donaldson
State Department of Parks and
Recreation
P.O. Box 942896
Sacramento, CA 94296-0001
- California Department of Boating and
Waterways
2000 Evergreen Street
Suite 100
Sacramento, CA 95815-3888
- Laura Kesterson
California Department of Housing
and Community Development
1800 Third Street
Sacramento, CA 95811-6942

- California Department of Toxic
Substances Control
1001 I Street
Environmental Protection Agency
Building
Sacramento, CA 95812
- California Department of Integrated
Waste Management
1001 I Street
Environmental Protection Agency
Building
Sacramento, CA 95812
- California Public Utilities
Commission
Los Angeles Office
320 West 4th Street, Suite 500
Los Angeles, CA 90013
- California State Department of Water
Resources
1416 9th Street
Sacramento, CA 95814

Regional

- Steve Smith
Planning and Rule Department
South Coast Air Quality Management
District
21865 East Copley Drive
Diamond Bar, CA 91765-4182
- Melinda Becker
Los Angeles County Regional Water
Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

County

- John Edmisten
County of Los Angeles
Chief Executive Office
500 West Temple Street, Room 754
Los Angeles, CA 90012
- Santos Kreimann
Deputy Director
County of Los Angeles
Department of Beach and Harbors
13837 Fiji Way
Marina del Rey, CA 90292
- Tom Faughnan
County of Los Angeles
Office of County Counsel
500 West Temple Street, Room 653
Los Angeles, CA 90012
- Frank Meneses
Regional Planning
Hall of Records
320 West Temple Street
Los Angeles, CA 90012
- Connie Chung
Auditor-Controller
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 502
Los Angeles, CA 90012
- Blair Babcock
Community Development
Commission
Housing Development/Preservation
2 Coral Circle
Monterey Park, CA 91755
- Greg Kawcinski
Community Development
Commission
Housing Development/Preservation
2 Coral Circle
Monterey Park, CA 91755

Local

- Tim Riley
Executive Director
Marina del Rey Lessee's Association
P.O. Box 4805
Panorama City, CA 91402
- John Rizzo
Marina Tenants' Association
4015 Via Marina B309
Marina del Rey, CA 90292

Private

- Ms. Marie Campbell
Sapphos Environmental, Inc.
P.O. Box 50241
Pasadena, CA 91115

APPENDIX A
MARINA DEL REY AFFORDABLE HOUSING POLICY,
DATED JUNE 19, 2007

COUNTY OF LOS ANGELES - MARINA DEL REY
AFFORDABLE HOUSING POLICY
JUNE 19, 2007

The Mello Act (Government Code section 65590, *et seq.*) mandates that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone, has the responsibility to require the replacement of housing units occupied by persons or families of low or moderate income when it approves the conversion or demolition of those units, and to require the provision of housing units for persons and families of low or moderate income, where feasible, when it approves new housing developments in the Coastal Zone. The County of Los Angeles (County) is the owner of all real property in the unincorporated territory of Marina del Rey, which includes a small craft harbor and adjacent lands, all within the Coastal Zone. The County leases landside and waterside parcels in Marina del Rey for development. The County is also the primary land use regulatory authority for Marina del Rey through the Marina del Rey Local Coastal Program (LCP), including the Marina del Rey Specific Plan. The LCP, through the Specific Plan, establishes land use policy, development standards and guidelines which are the principal regulatory basis for future development, preservation and reconstruction efforts in Marina del Rey.

The purpose of the County of Los Angeles - Marina del Rey Affordable Housing Policy described herein is limited to ensuring that all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacement units), and creating new affordable housing units (inclusionary units), where feasible, while balancing the County's ability to generate revenues from its Marina ground leases for Countywide public benefit programs.

EXECUTIVE SUMMARY

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the Department of Regional Planning (DRP), the Los Angeles County Community Development Commission (CDC) and the Department of Beaches and Harbors (DBH) made prior to the Regional Planning Commission's consideration of an application for a Coastal Development Permit (CDP) or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy.

The number of new affordable housing units to be constructed as part of any new development within County-owned Marina del Rey shall be 1) reasonably disbursed

throughout the project; 2) comparable in size and design to the market-rate units being developed in the rental component of the new or converted project; and 3) include a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary affordable housing unit will be observed for the term of the lease.

The number of replacement units to be constructed shall be determined based on the results of an income survey to be completed by the CDC on a project-by-project basis. The rental levels of the replacement units identified as part of the income survey shall be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement (i.e. replacement units must be set aside on a like-for-like basis).

The inclusionary housing obligation shall be calculated on the net new incremental units to be constructed as part of the project with a goal of 5% of such newly constructed units being set aside for low income families and 5% reserved for moderate income families based upon an analysis of each project's feasibility.

Determining feasibility of on-site affordable housing for a project must be undertaken on a project-by-project basis. If on-site affordable housing initially appears infeasible, the potential use of density bonuses and other incentives and potential economic aid, such as tax credits and/or below market bond financing or grants should be considered as a means of making on-site affordable housing feasible. County rent adjustments to comply with the affordable housing requirement may be available and are subject to negotiation on a project-by-project basis.

If it is determined by the Regional Planning Commission after careful consideration of a joint recommendation by the DRP, the CDC and the DBH that providing the inclusionary units on-site causes the project to be infeasible by virtue of the applicant being unable to successfully complete the project within a reasonable period of time, taking into account economic, environmental, social and technical factors, then construction of such affordable units may be permitted off-site in the following priority order:

1. In the Coastal Zone within unincorporated territory of Los Angeles County;
2. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;

3. In the Coastal Zone within incorporated territory of Los Angeles County;
or
4. Within three miles of the Coastal Zone in incorporated territory of Los Angeles County.

Replacement units must be provided on-site or within the Coastal Zone where feasible, and if infeasible on-site or within the Coastal Zone, then within three miles of the Coastal Zone with priority given to the unincorporated areas.

The obligation to construct or rehabilitate affordable replacement and/or inclusionary housing units off-site will be the sole responsibility of the applicant. The off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project.

No in-lieu fee program will be available to comply with either the replacement or inclusionary housing obligations.

MELLO ACT REQUIREMENTS

The Mello Act applies to the demolition, conversion and construction of housing within the California Coastal Zone, and is intended to preserve affordable housing for low and moderate income persons and families. The basic requirements imposed by the Mello Act are:

Replacement Housing:	Converted or demolished residential units that are occupied by low or moderate income persons or families must be replaced.
Inclusionary Housing:	New residential projects must provide inclusionary housing units affordable to low or moderate income persons or families, where feasible.
Conversion to Non-Residential Uses:	The County can only approve the demolition or conversion of residential structures for the subsequent development of commercial uses that are not coastal dependent, if it first finds

that a residential use is no longer feasible at that location and otherwise requires compliance with the replacement housing requirement.

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the DRP, CDC and DBH made prior to the Regional Planning Commission's consideration of an application for a CDP under the LCP or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy. Nothing in this policy shall be interpreted as superceding the requirements of the LCP, the Mello Act or any other provisions of State law or the County Code applicable to development in Marina del Rey.

The following sections of this policy identify the County's methodology for fulfilling the replacement and inclusionary housing obligations imposed by the Mello Act.

REPLACEMENT HOUSING

Obligations

The Mello Act requires any residential unit occupied by a low or moderate income person or family to be replaced. Therefore, applicants for discretionary and non-discretionary permits involving the demolition, conversion or construction of housing within Marina del Rey will be required to assist the CDC and/or its affordable housing consultant to complete the following activities:

1. Send a notice to all current occupants that includes:
 - a. A description of the proposed demolition or conversion plan;
 - b. An explanation of the Mello Act provisions and compliance review process;
 - c. Contact information for a County staff member who can provide additional information to the residents; and
 - d. An income survey to be completed by each family and individual occupant to determine the applicant's replacement housing obligation for Mello Act Compliance (see

Exhibit I: Financial Information Form and Income Survey). (Note: Income information obtained from individual occupants specifically named on the lease, and their family members/domestic partner will be used exclusively to determine replacement housing eligibility. Financial information obtained from resident(s) subleasing directly from the legal occupant, but not named on the original lease/rental agreement (i.e. non-family roommates), will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance).

This notice shall be given prior to completion of term sheet negotiations and is not intended to serve as or replace any notice relating to the demolition of residential dwelling units or the termination of residential tenancies required to be given pursuant to the California Civil Code or any other provision of State law, the County Code, or as an express condition of the development's CDP or other permit for entitlement.

2. Identify the characteristics of each unit in the project as follows:

a. Units occupied by resident management employees will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance (with a limit of one management unit per seventy-five residential units).

b. Students that are claimed as a dependent on their parent's federal income tax return or whose parent(s) are guarantors on the rental/lease agreement must include parental household income information on the tenant income survey to determine affordable housing eligibility of their unit for the purposes of Mello Act compliance.

c. Any vacant unit identified at the commencement of term sheet negotiations with the DBH is deemed to be a market rate unit.

d. The Mello Act requires that a residential dwelling unit be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit, if the eviction was for the purpose of avoiding the requirements of the replacement housing obligation under the Mello Act. The Mello Act further requires that if a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of the replacement housing

obligations under the Mello Act and the applicant shall bear the burden of proving the evictions were not for the purpose of avoiding said requirements. For the purposes of this policy, the presumption period shall run one year prior to the commencement of term sheet negotiations with DBH. If the applicant cannot demonstrate that the tenant(s) were evicted for cause rather than to avoid the Mello Act replacement housing obligations during that period, the unit(s) shall be deemed occupied by a low or moderate income person or family.

e. Affordable housing eligibility for units with tenants that return an income survey but decline to state any financial information and for tenants that do not respond to the income survey will be determined using tenant income information no more than two years old contained in the applicant's files; or in the absence of such income information, using the average of the previous year's monthly rent compared to the average affordable monthly rental rates for the same year as noted below:

- i. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a very-low income household, the unit will be considered to be occupied by a very-low income person or family.
- ii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a low income household, the unit will be considered to be occupied by a low income person or family.
- iii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a moderate income household, the unit will be considered to be occupied by a moderate income person or family.
- iv. If the average monthly rent for the unit is greater than the average monthly affordable rent for a moderate income household, the unit will be deemed to be a market-rate unit.

f. Unmarried and unrelated tenants who wish to be treated as separate individuals rather than as a household must declare under penalty of perjury the following:

- i. They are not registered domestic partners;

- ii. Neither party claims employment benefits received by the other party (i.e. health insurance, etc.);
 - iii. They do not share a bank account; and
 - iv. They do not own real property together.
- 3. The CDC shall submit to the Regional Planning Commission the following information for each project involving the demolition, conversion or construction of housing within Marina del Rey:
 - a. Confirmation of household income level of the persons or families in accordance with California Health and Safety Code standards.
 - b. Identification of unit(s) deemed occupied by persons or families of low or moderate income pursuant to section 2.c., above.
 - c. Identification of the number of bedrooms in the unit eligible for replacement pursuant to the Mello Act. When an occupant is determined to be of low or moderate income, but other occupants within the same unit are above-moderate income, the replacement obligation is limited to one bedroom.

Methods of Compliance

- 4. The applicant is required to replace each unit that is determined to be occupied by low or moderate income persons or families on a one-for-one basis (per number of bedrooms). The replacement units must adhere to the following requirements:
 - a. The replacement unit must be of comparable size and design to the market-rate units being developed in the rental component of the new or converted project.
 - b. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy.
 - c. The replacement housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density

bonus set aside does not fully satisfy replacement and/or inclusionary housing obligations required under the Mello Act.

5. Replacement units shall be set aside on a like-for-like basis from a comparison of the monthly rent at the commencement of term sheet negotiations for the unit to be demolished or converted to the affordable housing rental rates published annually by the CDC.
6. Applicants must provide the identified replacement housing units on-site or elsewhere within the Coastal Zone unless the applicant can demonstrate that such placement is not feasible.
 - a. The project feasibility analysis must include:
 - i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs.
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the average capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.
 - iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.
 - b. If on-site or Coastal Zone replacement is determined to be infeasible, the units shall be provided at an off-site location in the following priority order:
 - i. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County; or
 - ii. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
 - c. Off-site units can be new construction or the substantial rehabilitation of existing units. The obligation to construct or rehabilitate affordable replacement housing units off-site will be the sole responsibility of the applicant.

- d. No in-lieu fee program will be available to comply with the replacement housing obligations.

INCLUSIONARY HOUSING

The Mello Act requires new residential development to provide affordable housing units where feasible (inclusionary units). The County will require applicants to meet the following standards:

7. The inclusionary housing obligation will be imposed separately from any replacement housing obligations being applied to the project.
8. The inclusionary units must be reasonably dispersed throughout the rental unit component of the project, and the unit sizes and design must be comparable to market rate rental units included in the project.
9. The on-site inclusionary housing obligation will be calculated based upon the net incremental new units (fractional units under 0.5 are to be rounded down) to be constructed or converted in the following manner:
 - a. The applicant must set aside a percentage of the new units as affordable units, subject to an analysis of the project's feasibility on a project-by-project basis. The County's goal is to have each applicant set aside 5% of the units for low income households and 5% reserved for moderate income households.
 - b. If the applicant requests and is eligible for a density bonus, the inclusionary unit requirement will be calculated off the pre-bonus number of units.
 - c. The inclusionary housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density bonus set aside does not fully satisfy the replacement and/or inclusionary housing obligations required under the Mello Act.
10. The applicant must provide a project feasibility analysis in support of its proposed inclusionary housing obligation.
 - a. The project feasibility analysis must include:

- i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs. (Note: County rent adjustments to comply with the inclusionary housing requirement are subject to negotiation on a project-by-project basis).
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.
 - iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.
- b. If on-site development of the inclusionary housing units is determined to be infeasible based upon the project feasibility analysis, the units must be provided at an off-site location in the following priority order:
 - i. In the Coastal Zone within the unincorporated territory of Los Angeles County;
 - ii. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;
 - iii. In the Coastal Zone within the incorporated territory of Los Angeles County; or
 - iv. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
- c. The off-site inclusionary units can be new construction or substantial rehabilitation. The obligation to construct or rehabilitate affordable housing inclusionary units off-site will be the sole responsibility of the applicant.
- d. No in-lieu fee program will be available to comply with the inclusionary housing obligations.

CONVERSION TO NON-RESIDENTIAL USES

In accordance with Mello Act requirements, the County will evaluate proposals to demolish or convert residential structures for the subsequent development of commercial uses that are not coastal dependent. No project will be approved unless the County determines that a residential use is no longer feasible at the proposed location. All such projects shall fully comply with the replacement housing obligations as set forth above.

ADDITIONAL PROVISIONS

11. The affordable income and rent requirements for replacement and inclusionary units will be determined as follows:

a. The income standards for very low, low and moderate income households will be based on California Health and Safety Code standards, as adjusted and annually published by the California Department of Housing and Community Development.

b. The affordable rents and utility allowance schedule will be published by CDC on an annual basis (See Exhibit II: Income and Rent Limits – 2007).

c. A "unit" shall consist of a group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes, together with the land and buildings appurtenant thereto, and all housing services (services connected with the use and occupancy of a unit, including but not limited to utilities (if also provided to the market rate units) ordinary repairs or replacement, maintenance (including painting), elevator service, laundry facilities, common recreational facilities, janitor service, resident manager, refuse removal, and all privileges, benefits, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities).

d. The affordable rent as published by the CDC, less the corresponding utility allowance, as applicable, shall be the maximum amount charged for occupancy of a "unit". There shall be no separate, additional charges for use and occupancy of a unit or for housing services related thereto, including, but not limited to charges for parking

spaces required to be assigned to the unit as a condition of the CDP or other land use entitlement permit.

12. The tenant survey must be approved by the CDC during lease negotiations for County owned properties. If more than one year passes after approval of the original tenant survey, the survey must be updated and resubmitted as part of the County's Regional Planning application process for a CDP. The replacement housing obligation will be set at the higher result of the two surveys.
13. The applicant must submit an Affordable Housing Plan to the County; no Building Permits will be issued for the project until the County approves the Plan.
14. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy. The applicant will be required to comply with the County's monitoring requirements annually throughout the covenant term.
15. If replacement and/or inclusionary units are provided off-site, the off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project. The Certificate of Occupancy for the new market rate development project will be withheld until the off-site affordable housing units are ready for occupancy.
16. Ownership Units
 - a. If an applicant is proposing to develop a project that includes rental and ownership units, the replacement and inclusionary units may all be provided in the rental component;
 - b. If an applicant is proposing to develop a 100% ownership unit project, the applicant may provide rental units on-site to fulfill the replacement and inclusionary obligations.
17. The CDC will levy the following fees:

- a. The costs associated with engaging a consultant to undertake the tenant survey and evaluation will be funded by the applicant.
- b. The costs associated with completing or auditing the project feasibility analysis will be funded by the applicant.
- c. An annual fee of \$125 per affordable unit will be charged to defray the ongoing compliance inspection and reporting costs associated with the replacement and inclusionary units. This fee will be adjusted annually in accord with changes in the Consumer Price Index (CPI).

COASTAL HOUSING PROGRAM TENANT QUESTIONNAIRE

As you likely are aware, the ownership of _____ has applied to the County of Los Angeles for approval of a Coastal Development Permit (CDP) to authorize the redevelopment of the _____ apartments. The ownership of _____ proposes to demolish the existing _____ apartment units and to construct a new apartment project on the site containing _____ rental units. In 1981, the California Legislature adopted Senate Bill 626, which requires that the demolition of existing dwelling units in the Coastal Zone occupied by persons or families of low or moderate income shall require the replacement of those dwelling units with units affordable to persons of low or moderate income. The replacement units, if required, will be generally available to the public, rather than to specific individuals.

To determine the number of units that must be replaced, the County of Los Angeles needs income information from the current tenants of _____. The County must receive income information separately from each family (related persons) and each unrelated adult living in your apartment. Please assist us by providing the information requested below and, if it is applicable, also complete the enclosed Financial Information form.

All financial information that you provide will remain confidential. If you have any questions, or need additional questionnaires and forms for unrelated individuals, please contact _____ at _____. Thank you in advance for your cooperation.

Number of occupants living in your apartment unit: _____.

Please circle the income category that comes closest to the combined gross annual income from all sources of all family members (all related persons living in your apartment unit) based on family size without going over.

Family Size	Less than Low Income	Less than Moderate Income	Greater than Moderate Income
1	< \$38,800	< \$47,200	> \$47,200
2	< \$44,350	< \$53,900	> \$53,900
3	< \$49,900	< \$60,700	> \$60,700
4	< \$55,540	< \$67,400	> \$67,400
5	< \$59,900	< \$72,800	> \$72,800
6	< \$64,300	< \$78,200	> \$78,200

Source: 2006 State income limits published by the California Department of Housing & Community Development

OR check the following: **DECLINE TO STATE** ☐

If you answered that your combined family income from all sources (including wages, salary, tips, interest and investment income, proceeds from the sale of a home or other real estate transaction, social security, pension, governmental or spousal support and child support) is **LESS** than the amounts in the table, please complete the attached Financial Information form.

If you answered that your income is **GREATER** than the amount in the table, or you Declined to State your income, do not complete the attached Financial Information form, but please do sign and date this questionnaire below.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature: _____ Date: _____

Print Name: _____ Street Address: _____ Apt.# _____

TENANT FINANCIAL INFORMATION SURVEY

If you indicated on the previous page that your annual income is less than the dollar amount shown for your family size category, please complete the financial information requested below. Please indicate all sources and amounts of income for each family member who receives an income (of any kind). Please return this form with the attached questionnaire in the enclosed envelope. One Financial Information form should be completed for each family living in your apartment. Each unrelated adult living in your apartment should complete a separate Financial Information form.

Project Address: _____ Number of Bedrooms: _____

Your Name: _____

Date of Birth: _____ Home Phone #: () _____ Work Phone #: () _____

Persons Living in Apartment Unit:

<u>Name of Person</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Employed</u>
_____	_____	_____	Yes/No
_____	_____	_____	Yes/No
_____	_____	_____	Yes/No
_____	_____	_____	Yes/No

Your Marital Status: Married _____ Unmarried _____

If you indicated that you are unmarried, please answer the following questions:

Are you and any of the persons listed above registered with the State of California as domestic partners?

Do you receive employment benefits from any of the persons listed above (i.e. health insurance, etc.)?
YES NO

Do you share a bank account with any of the persons listed above? YES NO

Do you own property with any of the persons listed above together? YES NO

Source(s), Amount of Household Income (Gross):

	(Yourself)	(Other Household / Family Members)
Employment	\$ _____ mo.	\$ _____ mo.
Pension/Retirement	\$ _____ mo.	\$ _____ mo.
Social Security	\$ _____ mo.	\$ _____ mo.
SSI	\$ _____ mo.	\$ _____ mo.
Welfare	\$ _____ mo.	\$ _____ mo.
Unemployment	\$ _____ mo.	\$ _____ mo.
Armed Forces Pay	\$ _____ mo.	\$ _____ mo.
Veteran's Benefit	\$ _____ mo.	\$ _____ mo.
Disability	\$ _____ mo.	\$ _____ mo.
Child Support	\$ _____ mo.	\$ _____ mo.
Spousal Support	\$ _____ mo.	\$ _____ mo.
(Income from Interest, dividends, etc.)		
	\$ _____ mo.	\$ _____ mo.
Other _____	\$ _____ mo.	\$ _____ mo.

The value of your assets, except for necessary items such as automobiles and furniture, are considered in determining your income. Therefore, please provide below the total dollar value of the various types of assets listed below that you own and the interest rate or rate of return.

			<u>Total Amount</u>	<u>Interest Rate/ Dividends</u>
Do you have a checking account?	YES	NO	\$ _____	_____
Do you have a savings account?	YES	NO	\$ _____	_____
Do you own stocks or bonds?	YES	NO	\$ _____	_____
Do you own real property?	YES	NO	_____	_____
Estimated Property Value			\$ _____	
Total Loan Amounts			\$ _____	
Estimated Equity			\$ _____	

Do you receive any rental assistance from a relative or other source? YES NO Amount \$ _____

Are you a full-time student, 18 years of age or older? YES NO

If you answered yes to the above question, please answer the following:

Do your parents serve as guarantors on your rental or lease agreement? YES NO

Did your parents declare you as a dependent on their Federal Income Tax Return for this year? YES NO

(Please answer the following question only if you answered YES to being a dependent of parents.)

If your parents intend to declare you as a dependent on their Federal Income Tax Return for this year, please indicate below: (1) the number of persons in your family, and (2) the combined gross annual income of your parents and you.

Family Size: _____ Combined Gross Annual Income: _____

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature

Date

Thank you for your cooperation in completing this form.

COMMUNITY DEVELOPMENT COMMISSION OF THE COUNTY OF LOS ANGELES

Exhibit II

INCOME AND RENT LIMITS - 2007

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
30%								
50%	25,990	29,600	33,300	37,000	39,950	42,900	45,900	48,850
60%	31,080	35,520	39,960	44,400	47,940	51,480	55,080	58,620
80%	41,450	47,350	53,300	59,200	63,950	68,650	73,400	78,150
HUD Median 100% (2)	51,980	59,200	66,600	74,000	79,900	85,800	91,800	97,700
HUD 120% of Median (2)	62,376	71,040	79,920	88,800	95,880	102,960	110,160	117,240
HCD-State Median 100% (1)*	39,300	45,000	50,600	56,200	60,700	65,200	69,700	74,200
HCD-State 120% of Median (1)*	47,200	53,900	60,700	67,400	72,800	78,200	83,600	89,000

Occupancy		0-bedroom	1-bedroom	2-bedroom	3-bedroom	4-bedroom	5-bedroom	6-bedroom
Factor								
HCD-State (50%) (1)*	1+1	495	565	635	705	765		
LOW-HOME (50%)*	1.5	647	693	832	961	1,072	1,184	1,295
TAX CREDIT (50%)*	1.5	647	693	832	961	1,072	1,184	1,295
City of Industry (50%)*	1+1	647	740	833	925	999	1,073	1,148
BOND (50%)**	1+1	647	740	832	925	999	1,073	1,148
HCD-State (60%) (1)*	1+1	590	674	759	843	910		
TAX CREDIT (60%)*	1.5	777	833	999	1,154	1,287	1,421	1,475
HIGH-HOME*	1.5	821	882	1,061	1,217	1,338	1,457	1,578
BOND (60%)	1+1	777	888	999	1,110	1,199	1,287	1,377
BOND (80%)**	1+1	1,036	1,184	1,333	1,480	1,599	1,716	1,835
HCD-State (80%) (1)*	1+1	690	785	885	985	1,060		
HUD Median 100% (2)	1+1	1,300	1,480	1,665	1,850	1,998	2,145	2,295
HUD 120% of Median (2)	1+1	1,559	1,776	1,998	2,220	2,397	2,574	2,754
HCD-State: 80% to 120% of Median (1)*	1+1	1,081	1,238	1,392	1,546	1,669	1,793	1,917

*MUST SUBTRACT UTILITY ALLOWANCE FROM LISTED RENT AMOUNT TO GET ACTUAL RENT AMOUNT TO CHARGE TENANT

**ACTUAL RENT CHARGED TO TENANT - NO UTILITY ALLOWANCE ADJUSTMENT MADE UNLESS PROJECT SPECIFICALLY REQUIRES IT FOR PROJECTS BEFORE 1-1-03

(1)* Income limits and rents for 'unassisted' developments with density bonuses. Income limits are also to be used when income-qualified buyers are assisted with tax increment funds only

(2) The numbers shown are not published by HUD and are extrapolations from the income published by HUD for 50% of median income.

APPENDIX B
MEMORANDUM FOR THE RECORD NO. 3, DATED NOVEMBER 21, 2007
(SUBJECT: PUBLIC COMMENTS AND SEPTEMBER 19, 2007
COMMUNITY MEETING ON THE PROPOSED NEGATIVE DECLARATION)



November 21, 2007
Job Number: 1217-041
Marina del Rey Affordable Housing Policy
Negative Declaration

MEMORANDUM FOR THE RECORD

2.6 1217-041.M03

TO: County of Los Angeles Chief Executive Office
(Mr. Santos Kreimann)

FROM: Sapphos Environmental, Inc.
(Ms. Susan Zoske)

SUBJECT: Public Comments and September 19, 2007 Community
Meeting on the Proposed Negative Declaration

ATTACHMENTS: 1. Marina del Rey Affordable Housing Policy, dated
June 19, 2007
2. Community Meeting Agenda
3. Community Meeting Sign-in Sheets
4. Public Review Comments on Proposed Negative
Declaration

EXECUTIVE SUMMARY

This Memorandum for the Record (MFR) transmits a summary of public comments received during the 30-day public review period of the proposed Negative Declaration (ND) for the proposed Marina del Rey Affordable Housing Policy (proposed policy) (Attachment 1, *Marina del Rey Affordable Housing Policy, dated June 19, 2007*), including comments received during the community meeting. The County of Los Angeles Chief Executive Office and the Department of Beaches and Harbors hosted a community meeting on Wednesday, September 19, 2007, between 6:30 p.m. and 8:30 p.m., at the Burton W. Chace Park, Community Room, 13650 Mindanao Way, Marina del Rey, California 90292 (Attachment 2, *Community Meeting Agenda*). Fourteen people participated in the community meeting (Attachment 3, *Community Meeting Sign-In Sheets*). The County of Los Angeles received four letters of comments and a variety of comments from members of the public who attended the meeting (Attachment 4, *Public Review Comments on Proposed Negative Declaration and Responses*).

■ **Corporate Office:**
111 Marine Alley
Pasadena, CA 91105
Tel: (626) 683-3547
Fax: (626) 683-3548

■ **Santa Monica
Regional Office:**
1301 4th Street
Santa Monica, CA 90401
Tel: (310) 260-1520
Fax: (310) 260-1521

■ **Billing Address:**
P.O. Box 50241
Pasadena, CA 91115

■ **E-mail:**
sapphos@spectra.net

The community meeting was hosted by the County of Los Angeles Chief Executive Office with assistance from Sapphos Environmental, Inc. The meeting included introductory remarks and information on how the public was notified of the meeting by Sapphos Environmental, Inc. (Ms. Susan Zoske), a description of the background and purpose of the proposed policy by the County of Los Angeles Department of Beaches and Harbors (Mr. Santos Kreimann), and a description of the State of California Environmental Quality Act (CEQA) process and how it relates to the proposed policy by Sapphos Environmental, Inc. (Ms. Jessica Rappaport). The community meeting was conducted in accordance with the agenda (Attachment 2). The meeting was facilitated by representatives of the County of Los Angeles Chief Executive Office and Sapphos Environmental, Inc. (Attachment 3). Five broad categories of comments were raised during the community meeting:

California Environmental Quality Act (CEQA) Procedural Issues. Concerns were raised about noticing procedures for the community meeting and meeting format.

Scope of Affordable Housing Policy. Comments were provided to the County asking that the scope of the proposed policy be expanded to address a variety of issues: senior housing, refinements to the process for conducting income surveys, provision of interim affordable housing and priority housing for prior occupants of properties scheduled for redevelopment, and monitoring the status of affordable housing units throughout the life of the project.

Existing Conditions. Questions were raised regarding existing affordable housing conditions in Marina del Rey and related rent renewal and increase practices.

Environmental Issues. Concerns were expressed regarding the County's policy of granting leases to private developers and about the potential for the proposed policy to facilitate the conversion of open space and recreation resources to development.

Related Topics. Meeting participants raised questions about topics related to regulatory oversight and administration of a broad spectrum of issues that are beyond the scope of the proposed affordable housing policy, including senior housing and affordable housing in Los Angeles County.

The County of Los Angeles prepared a proposed ND to assess the potential environmental effects of the proposed policy (Attachment 1). The County circulated the proposed ND for public review between September 5, 2007 and October 4, 2007. The purpose of the public review period was to solicit input and comments regarding the scope of environmental analysis and findings contained in the proposed ND.

Although not required, the County of Los Angeles opted to host a community meeting to provide an additional opportunity for the public to provide comments. The meeting was publicized via regular mailing to approximately 8,400 addresses within Marina del Rey and 1,500 feet thereof regarding the Notice of Intent (NOI) to adopt a proposed ND and the Notice of Availability (NOA) of the NOI and the proposed ND for public review. The NOI was also mailed to federal, state, and local agencies potentially having an interest in the proposed policy. This information was presented in the legal notices section of the *Argonaut Newspaper* on August 30 and September 6, 2007, and the *Los Angeles Times* on August 29, 2007. In addition, 11 x 17-inch sized copies of the NOA were posted at Burton Chace Park, the Marina del Rey Library, the Marina del Rey Visitors' Center, and the County of Los Angeles Department of Beaches and Harbors. Copies of the

proposed ND were made available at each of the four locations listed above and were available for 30 days, until the public comment period closed on October 4, 2007.

Following the presentations, meeting attendees were invited to provide comments and information. All information was recorded by environmental professionals (Attachment 4). The County of Los Angeles Chief Executive Office (Mr. John Edmisten), the County of Los Angeles Office of County Counsel (Mr. Tom Faughnan), the County of Los Angeles Department of Beaches and Harbors (Mr. Kreimann), and Sapphos Environmental, Inc. (Ms. Marie Campbell, Ms. Jessica Rappaport, Ms. Susan Zoske, Ms. Eimon Raoof, and Ms. Lijin Sun) collaborated in the preparation of responses to all comments received on the proposed ND. All comments and responses will be taken into consideration by the County of Los Angeles Board of Supervisors during their decision-making process related to the proposed Marina del Rey Affordable Housing Policy.

Should you have any questions regarding the contents of this MFR, please contact Ms. Susan Zoske at (626) 683-3547.

ENCLOSURE 1
MARINA DEL REY AFFORDABLE HOUSING POLICY
DATED JUNE 19, 2007

COUNTY OF LOS ANGELES - MARINA DEL REY
AFFORDABLE HOUSING POLICY
JUNE 19, 2007

The Mello Act (Government Code section 65590, *et seq.*) mandates that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone, has the responsibility to require the replacement of housing units occupied by persons or families of low or moderate income when it approves the conversion or demolition of those units, and to require the provision of housing units for persons and families of low or moderate income, where feasible, when it approves new housing developments in the Coastal Zone. The County of Los Angeles (County) is the owner of all real property in the unincorporated territory of Marina del Rey, which includes a small craft harbor and adjacent lands, all within the Coastal Zone. The County leases landside and waterside parcels in Marina del Rey for development. The County is also the primary land use regulatory authority for Marina del Rey through the Marina del Rey Local Coastal Program (LCP), including the Marina del Rey Specific Plan. The LCP, through the Specific Plan, establishes land use policy, development standards and guidelines which are the principal regulatory basis for future development, preservation and reconstruction efforts in Marina del Rey.

The purpose of the County of Los Angeles - Marina del Rey Affordable Housing Policy described herein is limited to ensuring that all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacement units), and creating new affordable housing units (inclusionary units), where feasible, while balancing the County's ability to generate revenues from its Marina ground leases for Countywide public benefit programs.

EXECUTIVE SUMMARY

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the Department of Regional Planning (DRP), the Los Angeles County Community Development Commission (CDC) and the Department of Beaches and Harbors (DBH) made prior to the Regional Planning Commission's consideration of an application for a Coastal Development Permit (CDP) or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy.

The number of new affordable housing units to be constructed as part of any new development within County-owned Marina del Rey shall be 1) reasonably disbursed

throughout the project; 2) comparable in size and design to the market-rate units being developed in the rental component of the new or converted project; and 3) include a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary affordable housing unit will be observed for the term of the lease.

The number of replacement units to be constructed shall be determined based on the results of an income survey to be completed by the CDC on a project-by-project basis. The rental levels of the replacement units identified as part of the income survey shall be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement (i.e. replacement units must be set aside on a like-for-like basis).

The inclusionary housing obligation shall be calculated on the net new incremental units to be constructed as part of the project with a goal of 5% of such newly constructed units being set aside for low income families and 5% reserved for moderate income families based upon an analysis of each project's feasibility.

Determining feasibility of on-site affordable housing for a project must be undertaken on a project-by-project basis. If on-site affordable housing initially appears infeasible, the potential use of density bonuses and other incentives and potential economic aid, such as tax credits and/or below market bond financing or grants should be considered as a means of making on-site affordable housing feasible. County rent adjustments to comply with the affordable housing requirement may be available and are subject to negotiation on a project-by-project basis.

If it is determined by the Regional Planning Commission after careful consideration of a joint recommendation by the DRP, the CDC and the DBH that providing the inclusionary units on-site causes the project to be infeasible by virtue of the applicant being unable to successfully complete the project within a reasonable period of time, taking into account economic, environmental, social and technical factors, then construction of such affordable units may be permitted off-site in the following priority order:

1. In the Coastal Zone within unincorporated territory of Los Angeles County;
2. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;

3. In the Coastal Zone within incorporated territory of Los Angeles County;
or
4. Within three miles of the Coastal Zone in incorporated territory of Los Angeles County.

Replacement units must be provided on-site or within the Coastal Zone where feasible, and if infeasible on-site or within the Coastal Zone, then within three miles of the Coastal Zone with priority given to the unincorporated areas.

The obligation to construct or rehabilitate affordable replacement and/or inclusionary housing units off-site will be the sole responsibility of the applicant. The off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project.

No in-lieu fee program will be available to comply with either the replacement or inclusionary housing obligations.

MELLO ACT REQUIREMENTS

The Mello Act applies to the demolition, conversion and construction of housing within the California Coastal Zone, and is intended to preserve affordable housing for low and moderate income persons and families. The basic requirements imposed by the Mello Act are:

Replacement Housing:	Converted or demolished residential units that are occupied by low or moderate income persons or families must be replaced.
Inclusionary Housing:	New residential projects must provide inclusionary housing units affordable to low or moderate income persons or families, where feasible.
Conversion to Non-Residential Uses:	The County can only approve the demolition or conversion of residential structures for the subsequent development of commercial uses that are not coastal dependent, if it first finds

that a residential use is no longer feasible at that location and otherwise requires compliance with the replacement housing requirement.

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the DRP, CDC and DBH made prior to the Regional Planning Commission's consideration of an application for a CDP under the LCP or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy. Nothing in this policy shall be interpreted as superceding the requirements of the LCP, the Mello Act or any other provisions of State law or the County Code applicable to development in Marina del Rey.

The following sections of this policy identify the County's methodology for fulfilling the replacement and inclusionary housing obligations imposed by the Mello Act.

REPLACEMENT HOUSING

Obligations

The Mello Act requires any residential unit occupied by a low or moderate income person or family to be replaced. Therefore, applicants for discretionary and non-discretionary permits involving the demolition, conversion or construction of housing within Marina del Rey will be required to assist the CDC and/or its affordable housing consultant to complete the following activities:

1. Send a notice to all current occupants that includes:
 - a. A description of the proposed demolition or conversion plan;
 - b. An explanation of the Mello Act provisions and compliance review process;
 - c. Contact information for a County staff member who can provide additional information to the residents; and
 - d. An income survey to be completed by each family and individual occupant to determine the applicant's replacement housing obligation for Mello Act Compliance (see

Exhibit I: Financial Information Form and Income Survey). (Note: Income information obtained from individual occupants specifically named on the lease, and their family members/domestic partner will be used exclusively to determine replacement housing eligibility. Financial information obtained from resident(s) subleasing directly from the legal occupant, but not named on the original lease/rental agreement (i.e. non-family roommates), will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance).

This notice shall be given prior to completion of term sheet negotiations and is not intended to serve as or replace any notice relating to the demolition of residential dwelling units or the termination of residential tenancies required to be given pursuant to the California Civil Code or any other provision of State law, the County Code, or as an express condition of the development's CDP or other permit for entitlement.

2. Identify the characteristics of each unit in the project as follows:

- a. Units occupied by resident management employees will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance (with a limit of one management unit per seventy-five residential units).
- b. Students that are claimed as a dependent on their parent's federal income tax return or whose parent(s) are guarantors on the rental/lease agreement must include parental household income information on the tenant income survey to determine affordable housing eligibility of their unit for the purposes of Mello Act compliance.
- c. Any vacant unit identified at the commencement of term sheet negotiations with the DBH is deemed to be a market rate unit.
- d. The Mello Act requires that a residential dwelling unit be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing of an application to convert or demolish the unit, if the eviction was for the purpose of avoiding the requirements of the replacement housing obligation under the Mello Act. The Mello Act further requires that if a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of the replacement housing

obligations under the Mello Act and the applicant shall bear the burden of proving the evictions were not for the purpose of avoiding said requirements. For the purposes of this policy, the presumption period shall run one year prior to the commencement of term sheet negotiations with DBH. If the applicant cannot demonstrate that the tenant(s) were evicted for cause rather than to avoid the Mello Act replacement housing obligations during that period, the unit(s) shall be deemed occupied by a low or moderate income person or family.

e. Affordable housing eligibility for units with tenants that return an income survey but decline to state any financial information and for tenants that do not respond to the income survey will be determined using tenant income information no more than two years old contained in the applicant's files; or in the absence of such income information, using the average of the previous year's monthly rent compared to the average affordable monthly rental rates for the same year as noted below:

- i. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a very-low income household, the unit will be considered to be occupied by a very-low income person or family.
- ii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a low income household, the unit will be considered to be occupied by a low income person or family.
- iii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a moderate income household, the unit will be considered to be occupied by a moderate income person or family.
- iv. If the average monthly rent for the unit is greater than the average monthly affordable rent for a moderate income household, the unit will be deemed to be a market-rate unit.

f. Unmarried and unrelated tenants who wish to be treated as separate individuals rather than as a household must declare under penalty of perjury the following:

- i. They are not registered domestic partners;

- ii. Neither party claims employment benefits received by the other party (i.e. health insurance, etc.);
 - iii. They do not share a bank account; and
 - iv. They do not own real property together.
- 3. The CDC shall submit to the Regional Planning Commission the following information for each project involving the demolition, conversion or construction of housing within Marina del Rey:
 - a. Confirmation of household income level of the persons or families in accordance with California Health and Safety Code standards.
 - b. Identification of unit(s) deemed occupied by persons or families of low or moderate income pursuant to section 2.c., above.
 - c. Identification of the number of bedrooms in the unit eligible for replacement pursuant to the Mello Act. When an occupant is determined to be of low or moderate income, but other occupants within the same unit are above-moderate income, the replacement obligation is limited to one bedroom.

Methods of Compliance

- 4. The applicant is required to replace each unit that is determined to be occupied by low or moderate income persons or families on a one-for-one basis (per number of bedrooms). The replacement units must adhere to the following requirements:
 - a. The replacement unit must be of comparable size and design to the market-rate units being developed in the rental component of the new or converted project.
 - b. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy.
 - c. The replacement housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density

bonus set aside does not fully satisfy replacement and/or inclusionary housing obligations required under the Mello Act.

5. Replacement units shall be set aside on a like-for-like basis from a comparison of the monthly rent at the commencement of term sheet negotiations for the unit to be demolished or converted to the affordable housing rental rates published annually by the CDC.
6. Applicants must provide the identified replacement housing units on-site or elsewhere within the Coastal Zone unless the applicant can demonstrate that such placement is not feasible.
 - a. The project feasibility analysis must include:
 - i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses, development standards relief, and available state and local assistance programs.
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the average capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.
 - iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.
 - b. If on-site or Coastal Zone replacement is determined to be infeasible, the units shall be provided at an off-site location in the following priority order:
 - i. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County; or
 - ii. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
 - c. Off-site units can be new construction or the substantial rehabilitation of existing units. The obligation to construct or rehabilitate affordable replacement housing units off-site will be the sole responsibility of the applicant.

- d. No in-lieu fee program will be available to comply with the replacement housing obligations.

INCLUSIONARY HOUSING

The Mello Act requires new residential development to provide affordable housing units where feasible (inclusionary units). The County will require applicants to meet the following standards:

7. The inclusionary housing obligation will be imposed separately from any replacement housing obligations being applied to the project.
8. The inclusionary units must be reasonably dispersed throughout the rental unit component of the project, and the unit sizes and design must be comparable to market rate rental units included in the project.
9. The on-site inclusionary housing obligation will be calculated based upon the net incremental new units (fractional units under 0.5 are to be rounded down) to be constructed or converted in the following manner:
 - a. The applicant must set aside a percentage of the new units as affordable units, subject to an analysis of the project's feasibility on a project-by-project basis. The County's goal is to have each applicant set aside 5% of the units for low income households and 5% reserved for moderate income households.
 - b. If the applicant requests and is eligible for a density bonus, the inclusionary unit requirement will be calculated off the pre-bonus number of units.
 - c. The inclusionary housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density bonus set aside does not fully satisfy the replacement and/or inclusionary housing obligations required under the Mello Act.
10. The applicant must provide a project feasibility analysis in support of its proposed inclusionary housing obligation.
 - a. The project feasibility analysis must include:

- i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs. (Note: County rent adjustments to comply with the inclusionary housing requirement are subject to negotiation on a project-by-project basis).
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.
 - iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.
- b. If on-site development of the inclusionary housing units is determined to be infeasible based upon the project feasibility analysis, the units must be provided at an off-site location in the following priority order:
 - i. In the Coastal Zone within the unincorporated territory of Los Angeles County;
 - ii. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;
 - iii. In the Coastal Zone within the incorporated territory of Los Angeles County; or
 - iv. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
- c. The off-site inclusionary units can be new construction or substantial rehabilitation. The obligation to construct or rehabilitate affordable housing inclusionary units off-site will be the sole responsibility of the applicant.
- d. No in-lieu fee program will be available to comply with the inclusionary housing obligations.

CONVERSION TO NON-RESIDENTIAL USES

In accordance with Mello Act requirements, the County will evaluate proposals to demolish or convert residential structures for the subsequent development of commercial uses that are not coastal dependent. No project will be approved unless the County determines that a residential use is no longer feasible at the proposed location. All such projects shall fully comply with the replacement housing obligations as set forth above.

ADDITIONAL PROVISIONS

11. The affordable income and rent requirements for replacement and inclusionary units will be determined as follows:

a. The income standards for very low, low and moderate income households will be based on California Health and Safety Code standards, as adjusted and annually published by the California Department of Housing and Community Development.

b. The affordable rents and utility allowance schedule will be published by CDC on an annual basis (See Exhibit II: Income and Rent Limits – 2007).

c. A "unit" shall consist of a group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes, together with the land and buildings appurtenant thereto, and all housing services (services connected with the use and occupancy of a unit, including but not limited to utilities (if also provided to the market rate units) ordinary repairs or replacement, maintenance (including painting), elevator service, laundry facilities, common recreational facilities, janitor service, resident manager, refuse removal, and all privileges, benefits, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities).

d. The affordable rent as published by the CDC, less the corresponding utility allowance, as applicable, shall be the maximum amount charged for occupancy of a "unit". There shall be no separate, additional charges for use and occupancy of a unit or for housing services related thereto, including, but not limited to charges for parking

spaces required to be assigned to the unit as a condition of the CDP or other land use entitlement permit.

12. The tenant survey must be approved by the CDC during lease negotiations for County owned properties. If more than one year passes after approval of the original tenant survey, the survey must be updated and resubmitted as part of the County's Regional Planning application process for a CDP. The replacement housing obligation will be set at the higher result of the two surveys.
13. The applicant must submit an Affordable Housing Plan to the County; no Building Permits will be issued for the project until the County approves the Plan.
14. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy. The applicant will be required to comply with the County's monitoring requirements annually throughout the covenant term.
15. If replacement and/or inclusionary units are provided off-site, the off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project. The Certificate of Occupancy for the new market rate development project will be withheld until the off-site affordable housing units are ready for occupancy.
16. Ownership Units
 - a. If an applicant is proposing to develop a project that includes rental and ownership units, the replacement and inclusionary units may all be provided in the rental component;
 - b. If an applicant is proposing to develop a 100% ownership unit project, the applicant may provide rental units on-site to fulfill the replacement and inclusionary obligations.
17. The CDC will levy the following fees:

- a. The costs associated with engaging a consultant to undertake the tenant survey and evaluation will be funded by the applicant.
- b. The costs associated with completing or auditing the project feasibility analysis will be funded by the applicant.
- c. An annual fee of \$125 per affordable unit will be charged to defray the ongoing compliance inspection and reporting costs associated with the replacement and inclusionary units. This fee will be adjusted annually in accord with changes in the Consumer Price Index (CPI).

COASTAL HOUSING PROGRAM TENANT QUESTIONNAIRE

As you likely are aware, the ownership of _____ has applied to the County of Los Angeles for approval of a Coastal Development Permit (CDP) to authorize the redevelopment of the _____ apartments. The ownership of _____ proposes to demolish the existing _____ apartment units and to construct a new apartment project on the site containing _____ rental units. In 1981, the California Legislature adopted Senate Bill 626, which requires that the demolition of existing dwelling units in the Coastal Zone occupied by persons or families of low or moderate income shall require the replacement of those dwelling units with units affordable to persons of low or moderate income. The replacement units, if required, will be generally available to the public, rather than to specific individuals.

To determine the number of units that must be replaced, the County of Los Angeles needs income information from the current tenants of _____. The County must receive income information separately from each family (related persons) and each unrelated adult living in your apartment. Please assist us by providing the information requested below and, if it is applicable, also complete the enclosed Financial Information form.

All financial information that you provide will remain confidential. If you have any questions, or need additional questionnaires and forms for unrelated individuals, please contact _____ at _____. Thank you in advance for your cooperation.

Number of occupants living in your apartment unit: _____.

Please circle the income category that comes closest to the combined gross annual income from all sources of all family members (all related persons living in your apartment unit) based on family size without going over.

Family Size	Less than Low Income	Less than Moderate Income	Greater than Moderate Income
1	< \$38,800	< \$47,200	> \$47,200
2	< \$44,350	< \$53,900	> \$53,900
3	< \$49,900	< \$60,700	> \$60,700
4	< \$55,540	< \$67,400	> \$67,400
5	< \$59,900	< \$72,800	> \$72,800
6	< \$64,300	< \$78,200	> \$78,200

Source: 2006 State income limits published by the California Department of Housing & Community Development

OR check the following: **DECLINE TO STATE** ☐

If you answered that your combined family income from all sources (including wages, salary, tips, interest and investment income, proceeds from the sale of a home or other real estate transaction, social security, pension, governmental or spousal support and child support) is **LESS** than the amounts in the table, please complete the attached Financial Information form.

If you answered that your income is **GREATER** than the amount in the table, or you Declined to State your income, do not complete the attached Financial Information form, but please do sign and date this questionnaire below.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature: _____ Date: _____

Print Name: _____ Street Address: _____ Apt.# _____

TENANT FINANCIAL INFORMATION SURVEY

If you indicated on the previous page that your annual income is less than the dollar amount shown for your family size category, please complete the financial information requested below. Please indicate all sources and amounts of income for each family member who receives an income (of any kind). Please return this form with the attached questionnaire in the enclosed envelope. One Financial Information form should be completed for each family living in your apartment. Each unrelated adult living in your apartment should complete a separate Financial Information form.

Project Address: _____ Number of Bedrooms: _____

Your Name: _____

Date of Birth: _____ Home Phone #: () _____ Work Phone #: () _____

Persons Living in Apartment Unit:

<u>Name of Person</u>	<u>Relationship to You</u>	<u>Age</u>	<u>Employed</u>
_____	_____	_____	Yes/No
_____	_____	_____	Yes/No
_____	_____	_____	Yes/No
_____	_____	_____	Yes/No

Your Marital Status: Married _____ Unmarried _____

If you indicated that you are unmarried, please answer the following questions:

Are you and any of the persons listed above registered with the State of California as domestic partners?

Do you receive employment benefits from any of the persons listed above (i.e. health insurance, etc.)?
YES NO

Do you share a bank account with any of the persons listed above? YES NO

Do you own property with any of the persons listed above together? YES NO

Source(s), Amount of Household Income (Gross):

	(Yourself)	(Other Household / Family Members)	
Employment	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Pension/Retirement	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Social Security	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
SSI	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Welfare	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Unemployment	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Armed Forces Pay	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Veteran's Benefit	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Disability	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Child Support	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Spousal Support	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
(Income from Interest, dividends, etc.)			
	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.
Other _____	\$ _____ mo.	\$ _____ mo.	\$ _____ mo.

The value of your assets, except for necessary items such as automobiles and furniture, are considered in determining your income. Therefore, please provide below the total dollar value of the various types of assets listed below that you own and the interest rate or rate of return.

			<u>Total Amount</u>	<u>Interest Rate/ Dividends</u>
Do you have a checking account?	YES	NO	\$ _____	_____
Do you have a savings account?	YES	NO	\$ _____	_____
Do you own stocks or bonds?	YES	NO	\$ _____	_____
Do you own real property?	YES	NO	_____	_____
Estimated Property Value			\$ _____	
Total Loan Amounts			\$ _____	
Estimated Equity			\$ _____	

Do you receive any rental assistance from a relative or other source? YES NO Amount \$ _____

Are you a full-time student, 18 years of age or older? YES NO

If you answered yes to the above question, please answer the following:

Do your parents serve as guarantors on your rental or lease agreement? YES NO

Did your parents declare you as a dependent on their Federal Income Tax Return for this year? YES NO

(Please answer the following question only if you answered YES to being a dependent of parents.)

If your parents intend to declare you as a dependent on their Federal Income Tax Return for this year, please indicate below: (1) the number of persons in your family, and (2) the combined gross annual income of your parents and you.

Family Size: _____ Combined Gross Annual Income: _____

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature

Date

Thank you for your cooperation in completing this form.

COMMUNITY DEVELOPMENT COMMISSION OF THE COUNTY OF LOS ANGELES

Exhibit II

INCOME AND RENT LIMITS - 2007

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
30%								
50%	25,990	29,600	33,300	37,000	39,950	42,900	45,900	48,850
60%	31,080	35,520	39,960	44,400	47,940	51,480	55,080	58,620
80%	41,450	47,350	53,300	59,200	63,950	68,650	73,400	78,150
HUD Median 100% (2)	51,980	59,200	66,600	74,000	79,900	85,800	91,800	97,700
HUD 120% of Median (2)	62,376	71,040	79,920	88,800	95,880	102,960	110,160	117,240
HCD-State Median 100% (1)*	39,300	45,000	50,600	56,200	60,700	65,200	69,700	74,200
HCD-State 120% of Median (1)*	47,200	53,900	60,700	67,400	72,800	78,200	83,600	89,000

Occupancy		0-bedroom	1-bedroom	2-bedroom	3-bedroom	4-bedroom	5-bedroom	6-bedroom
Factor								
HCD-State (50%) (1)*	1+1	495	565	635	705	765		
LOW-HOME (50%)*	1.5	647	693	832	961	1,072	1,184	1,295
TAX CREDIT (50%)*	1.5	647	693	832	961	1,072	1,184	1,295
City of Industry (50%)*	1+1	647	740	833	925	999	1,073	1,148
BOND (50%)**	1+1	647	740	832	925	999	1,073	1,148
HCD-State (60%) (1)*	1+1	590	674	759	843	910		
TAX CREDIT (60%)*	1.5	777	833	999	1,154	1,287	1,421	1,475
HIGH-HOME*	1.5	821	882	1,061	1,217	1,338	1,457	1,578
BOND (60%)	1+1	777	888	999	1,110	1,199	1,287	1,377
BOND (80%)**	1+1	1,036	1,184	1,333	1,480	1,599	1,716	1,835
HCD-State (80%) (1)*	1+1	690	785	885	985	1,060		
HUD Median 100% (2)	1+1	1,300	1,480	1,665	1,850	1,998	2,145	2,295
HUD 120% of Median (2)	1+1	1,559	1,776	1,998	2,220	2,397	2,574	2,754
HCD-State: 80% to 120% of Median (1)*	1+1	1,081	1,238	1,392	1,546	1,669	1,793	1,917

*MUST SUBTRACT UTILITY ALLOWANCE FROM LISTED RENT AMOUNT TO GET ACTUAL RENT AMOUNT TO CHARGE TENANT

**ACTUAL RENT CHARGED TO TENANT - NO UTILITY ALLOWANCE ADJUSTMENT MADE UNLESS PROJECT SPECIFICALLY REQUIRES IT FOR PROJECTS BEFORE 1-1-03

(1)* Income limits and rents for 'unassisted' developments with density bonuses. Income limits are also to be used when income-qualified buyers are assisted with tax increment funds only

(2) The numbers shown are not published by HUD and are extrapolations from the income published by HUD for 50% of median income.



**COUNTY OF LOS ANGELES
MARINA DEL REY AFFORDABLE HOUSING POLICY
MEETING AGENDA FOR SEPTEMBER 19, 2007**

Community Meeting
September 19, 2007, 6:30 p.m. to 8:30 p.m.
Burton W. Chace Park, Community Room
13650 Mindanao Way
Marina del Rey, California 90292

MEETING SCHEDULE

I. GENERAL WELCOME AND INTRODUCTION

- Welcome
- Purpose of California Environmental Quality Act (CEQA) community meeting
- Introduction of project team
 - County of Los Angeles
 - Sapphos Environmental, Inc.

II. POLICY BACKGROUND

- Policy purpose, goals, and objectives
- History and process of proposed policy

III. PROJECT DESCRIPTION

- Project location
- Description of proposed project

IV. OVERVIEW OF CEQA PROCESS

- Public comment period: opening September 5, 2007, and closing October 4, 2007
- Written comments must be received by 5:00 p.m., Thursday, October 4, 2007
- The proposed policy can be viewed on-line at <http://www.beaches.co.la.ca.us/bandh/main.htm>
- Comments should be sent to:

Los Angeles County Department of Beaches and Harbors
Attn: Santos H. Kreimann, Deputy Director
13837 Fiji Way
Marina del Rey, California 90292

• **Corporate Office:**
133 Marin Alley
Pasadena, CA 91105
Tel: (626) 683-3547
Fax: (626) 683-3548

• **Santa Monica
Regional Office:**
1331 4th Street
Santa Monica, CA 90401
Tel: (310) 260-1520
Fax: (310) 260-1521

• **Billing Address:**
P.O. Box 50241
Pasadena, CA 91115

• **Email:**
sapphos@pacbell.net

SIGN-IN SHEET

COUNTY OF LOS ANGELES MARINA DEL REY AFFORDABLE HOUSING POLICY

Community Meeting
September 19, 2007
6:30 p.m. to 8:30 p.m.

NAME/AFFILIATION	ADDRESS	ARE YOU ON OUR MAILING LIST? (YES OR NO)
HELEN GARRETT	MAIL COPY OF ND TO ^{HER} MDR 90292 13953 PANAY WAY #203	YES
Russ Ananth	14016 BERABARA WAY G112	NS
CORINNE KAHN	13701 MARINA BLVD DR. #211 MDR 90292	NO
Cesar Espinosa BH	13837 Fiji Way MDR	NO
Mark Kacey	4901 Black St. Newport Bkt	YES
CORINNE WINTERS	MDR	
Wendy J. J.	4240 VICTA MARINA #22, 90290	NO
Helen Wachs	670 Humboldt #3 Venice	YES
John C. C.	4015 Via Marina B309 MDR 90292	YES
	Marina Tenants Association	

SIGN-IN SHEET

COUNTY OF LOS ANGELES MARINA DEL REY AFFORDABLE HOUSING POLICY

Community Meeting
September 19, 2007
6:30 p.m. to 8:30 p.m.

NAME/AFFILIATION	ADDRESS	ARE YOU ON OUR MAILING LIST? (YES OR NO)
Tim Riley / Marina del Rey lesler HSR		Yes
RJ Tyle	3511 Grand Canyon MDR	No.
Pat Lopez	3511 Grand Canyon MDR	No Yes
Aron Clark	10940 Wilshire Blvd. Ste. 2100 LA 90024	No.
Alexander Lewin	13908 FLY WAY #261 MDR 90292	NO
Snowden Bishop	14002 Palawan 204 MDR 90292	NO

ENCLOSURE 4
PUBLIC REVIEW COMMENTS ON
PROPOSED NEGATIVE DECLARATION AND RESPONSES

PUBLIC REVIEW COMMENTS ON PROPOSED NEGATIVE DECLARATION AND RESPONSES

The County of Los Angeles (County) prepared a proposed Negative Declaration (ND) to assess the potential environmental effects of the proposed Marina del Rey Affordable Housing Policy (proposed policy). The County circulated the proposed ND for public review between September 5, 2007 and October 4, 2007. The purpose of the public review period was to solicit input and comments regarding the proposed ND for the proposed policy. The meeting was publicized via U.S. Postal Service mailings to approximately 8,400 addresses within Marina del Rey and 1,500 feet thereof regarding the Notice of Intent (NOI) to adopt a proposed ND and the Notice of Availability (NOA) of the NOI and the proposed ND for public review. The NOI was also mailed to federal, state, and local agencies potentially having an interest in the proposed policy. This information was presented in the legal notices section of the *Argonaut Newspaper* on August 30 and September 6, 2007, and the *Los Angeles Times* on August 29, 2007. In addition, 11-inch × 17-inch copies of the NOA were posted at Burton Chace Park, the Marina del Rey Library, the Marina del Rey Visitors' Center, and the County of Los Angeles Department of Beaches and Harbors. Copies of the proposed ND were made available at each of the four locations listed above and were available for 30 days.

The public comment period closed on October 4, 2007. A total of four letters of comment were received on the proposed ND. Although not required by the State of California Environmental Quality Act (CEQA) Guidelines, the County hosted a community meeting to provide an additional opportunity for the public to provide comments. The County of Los Angeles Chief Executive Office (CEO) and the Department of Beaches and Harbors hosted a community meeting on Wednesday, September 19, 2007, between 6:30 p.m. and 8:30 p.m., at the Burton W. Chace Park, Community Room, 13650 Mindanao Way, Marina del Rey, California 90292. The community meeting was facilitated by the CEO with assistance from Sapphos Environmental, Inc.

The following section contains responses to letters of comment received during the public review period and comments provided by the public during the community meeting. The letters of comment are presented with the comments numbered and annotated in the right margin. Responses to the comments follow each comment letter. The comments received during the community meeting have been grouped into five broad categories, numbered, and provided in tabular format with the corresponding response to comment.

My name is Helen Garrett, I live at 13953 Panay Way in low income housing, and I am a proud member of POWER, People Organized for Westside Renewal.

1. The turnout here could have been much larger. Notification of important meetings should be by post card for every resident of the Marina. I don't know of any people who run home from work to check the convoluted County website. Or who search for meetings to go to in the newspapers or library. If you want outstanding attendance you must do an outstanding job of notification and outreach.

1

2. This policy is terrible! It is worse than the prior policy which had 10% low income apartments for the 1,191,166 people in the county who qualify for it. Now we have only 5% low income housing. The County must not make working people chose between health care and housing. They can provide both if they require developers to comply with the intent of the Mello Act. It is a privilege to build in the coastal zone, in the Marina, on land held in trust for the people for recreation. Pay us back with low income housing. San Francisco requires 20%!

2

3. All this building is destroying our pretty little village. We are building huge apartment blocks, stuffing our feeder streets with traffic, ruining avian nesting sites while at the same time the County is not addressing a crushing affordable housing shortage. Instead, you are building hotels for the wealthy, forcing the middle class out of the Marina and forgetting about the working people of the County who do hard jobs for little pay. The County is in the pocket of rich developers who have no interest in rational solutions to desperate problems. If you are wealthy you win. If you are retired on a fixed income, a working single parent or a low income worker you lose.

3

This shortsighted plan shows the Supervisors are unfit to govern!

4

Helen Garrett
13953 Panay Way
Marina del Rey, California 90292

Response to Comment 1:

Thank you for your comment regarding the meeting turn out and for your suggestion that notices to public meetings should be sent by way of postcards to every resident in Marina del Rey. Approximately 8,400 notices were sent to residents of Marina del Rey and to those living within 1,500 feet of the Marina del Rey boundary via the U.S. Postal Service. In addition, the NOA and the proposed ND were posted on the County of Los Angeles Department of Beaches and Harbors Web site (<http://beaches.co.la.ca.us>). Although CEQA does not require that the Lead Agency host a public meeting during circulation of the proposed ND, the County opted to conduct a community meeting to provide the public with information on the proposed policy and solicit comments about the potential environmental consequences. Although Section 15087 of the State CEQA Guidelines requires only one of three processes of noticing, direct mail, posting of the notice on and off site, or newspaper publication, be implemented, the County used all three noticing methods: direct mailing, site postings, and newspaper notices. Consistent with the recommendation provided by the commenter, approximately 8,400 notices were sent via the U.S. Postal Service. Copies of the Notice of Availability (NOA) and the proposed ND were placed for public review at the County of Los Angeles Department of Beaches and Harbors, the Burton Chace Park Recreation Center, the Marina del Rey Visitors' Center, and the Marina del Rey Library. Legal notices were posted two weeks in advance in the *Los Angeles Times* and the *Argonaut Newspaper*.

Response to Comment 2:

Thank you for your comment regarding the proposed policy. The Mello Act is a statewide law that aims to preserve and increase the availability of affordable housing units for low- and moderate-income residents in California's Coastal Zone. The proposed policy only addresses affordable housing in the unincorporated community of Marina del Rey as mandated by the Mello Act; it is not a Countywide policy. The proposed policy sets goals of a 5-percent set aside of all net new units constructed in Marina del Rey for low-income households and a 5-percent set aside of all net new units constructed for moderate-income households. In addition, those units that are currently occupied by persons and families of low-income must be replaced with affordable housing units on a like-for-like basis consistent with the income level of the current occupants.

Response to Comment 3:

Thank you for your comment regarding development in Marina del Rey. The proposed policy addresses the specifications for affordable housing for proposed new development and redevelopment projects in the unincorporated area of Marina del Rey consistent with the requirements of the Mello Act. As demonstrated in the environmental analysis provided in the ND, the proposed policy would not be expected to result in direct, indirect, or cumulative impacts to the physical environment or social or economic impacts that would result directly, indirectly, or cumulatively to changes in physical environment. The proposed policy would not alter, reference, or provide guidance contrary to the adopted Marina del Rey Land Use Plan, an element of the County of Los Angeles General Plan. The existing adopted Local Coastal Program provides land

use designations for the unincorporated community of Marina del Rey within the Coastal Zone.¹ The adopted Local Coastal Program includes land use designations and densities. The proposed policy requires that new affordable housing units be reasonably dispersed throughout new housing complexes or refurbished older housing complexes, and be comparable in size and design to market-rate housing units being developed in the rental component of the new or converted development. As a result, housing must be constructed as part of and within the redeveloped areas and would not be constructed in a separate location away from the market-rate housing. The proposed policy is consistent with the existing community plan. The environmental impacts regarding the proposed changes to the policy related to population and housing, traffic and transportation, and biological resources have been discussed in the ND prepared for the proposed policy. As indicated in the ND, implementation of the recommended policy refinements would not be expected to result in significant adverse impacts to the environment. As with the existing Marina del Rey Affordable Housing Policy, all development and redevelopment within the unincorporated community of Marina del Rey is subject to the County of Los Angeles Marina del Rey Land Use Plan. The proposed policy does not recommend any changes to the land use designations prescribed by the adopted Land Use Plan.

Response to Comment 4:

Your opinion regarding the proposed policy will be taken into consideration by the County of Los Angeles Board of Supervisors during their decision-making process.

¹ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan*. (Certified by the California Coastal Commission.) Los Angeles, CA.

MARINA TENANTS ASSOCIATION
4015 Via Marina B309
Marina del Rey, CA. 90292
TEL. 310 581-1928

TO:

County of Los Angeles Department of Beaches and Harbors
Attn: Santos H. Kreimann, Deputy Director
13837 Fiji Way
Marina del Rey, CA. 90292

FROM:

Marina Tenants Association

9/19/07 delivered to Meeting

Regarding

Notice of intent dated 9/5/07

County of Los Angeles, Marina del Rey Affordable housing policy.

It has been Our contention for over 30 years that all the apartments and
Boat slips in Marina del Rey are mandated by law and the original

Master lease that was bided out to the leasee's in Marina del Rey

That all apartments and boat slips in Marina be affordable.

See attached County council written opinion to the Grand Jury.

Also the argument that it would cost the county money is not true.

The county gets its money based on the value of the land.

And is getting only 34 million in a Marina whose water area and land
Area is worth an estimated a 5 billion dollars about 1/2 of this is used for
Personal and other maintenance of the Marina so the county is getting
About 17 million on a 5 billion Marina When it should be getting over
100 million.

And the users of apartments and boats slips are paying

Millions of Dollars in overcharges for apartments and boat slips that

Should be affordable.

John Rizzo President

FILE COPY
RECEIVED



JOHN H. LARSON, COUNTY COUNSEL

Exhibit 301
COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL
648 HALL OF ADMINISTRATION
LOS ANGELES, CALIFORNIA 90012

April 18, 1980

WORKING COPY

(213) 974-1821

Mr. Jack W. Salyers, Foreman
1979-80 Grand Jury
County of Los Angeles
13-303 Criminal Courts Building
Los Angeles, California 90012

Re: Department of Small Craft Harbors

Dear Mr. Salyers:

You have requested our opinion on various legal questions that have arisen in the course of a review of the operations of the Department of Small Craft Harbors by your contract auditor Arthur Young and Company. Specifically, you inquire:

1. Can the leases currently in operation in the Marina be modified, with the consent of both parties, to change the percentage rentals at periods other than the renegotiation date?

2. Can the areas defined in the lease be re-defined with the consent of both parties; e.g., can a leasehold with anchorage and nonanchorage uses be split into two or more leases, each with only one defined use?


3. Is the County obligated to enforce the controlled price provision (Section 16) of the standard master lease?

4(a) Can the County sell its interest in all or any portion of the underlying land or leaseholds (i.e. the reversion) at the Marina to a private investor(s)?

4(b) If the interest could be sold, would the use of the funds generated by such a sale be limited in any way?


Attachment
1.1

5. If an interest in all or any portion of the underlying land or lease (i.e. the reversion) at the Marina is sold to a private investor(s), can provisions in the transfer limit the subsequent use of the property to uses defined by the County?

 6. Does the term "fair and reasonable cost" as used in the standard master lease mean fair market value, which is assumed to equate price where supply would equal demand?

Our opinions are as follows:

1. and 2. The Board of Supervisors has the power to amend its harbor leases as proposed with the concurrence of the lessees who are parties thereto.

 3. Price control must be exercised.

4(a) The Board of Supervisors does not have the power to sell its reversionary interests in the Marina to a private investor(s) in the absence of enabling legislation amending the State Revenue Bond Act authorizing the Board to divest itself of title to land suitable for revenue producing use acquired for a revenue bond project. Assuming the absence of statutory authority can be cured, there would still remain the serious question of whether a sale of these future interests could be legally justified on grounds that the property is not required for public use.

4(b) Any funds derived from the disposition of such interests must be deposited to the revenue fund for the Marina Del Rey that has been established in the County Treasury until such time as the bonded indebtedness of the project has been retired. Thereafter, the funds from the sale must be used for the acquisition of or addition to land, structures, improvements and equipment, except (1) roads, (2) flood control projects, or (3) utilities (other than airport, sewage, sanitation and water supply facilities) to be used in conducting the governmental functions of the County.

5. A transfer of an interest in real property can be restricted in the manner proposed.

1.1
cont.

6. Although fair and reasonable cost as used in the harbor leases could have the meaning you suggest, it has never been accorded such a restricted meaning by the Harbor Department. As interpreted by the department in its policy statement number twenty-seven, a fair and reasonable cost is that cost which is ascertainable when one considers such factors as the range of costs for like goods, services, and facilities; quality of the product being offered; the expense associated with the efficient production thereof; the vagaries of the market place within which the offer is being made; and the presence of governmental economic controls. This procedure translates into an administrative construction that equates fair and reasonable cost with a cost that ranges from cost that is competitive when goods, services and facilities are in plentiful supply to a cost that is restrained when goods, services and facilities are in short supply. Considering the generality of the terms used, the synonymity of the context with terms such as just, equitable, bargain and moderate, the obvious tie to consumer protection, and the broad spectrum of prices that must be controlled, we cannot say the administrative construction thus given is clearly erroneous or unauthorized.

ANALYSIS

For purposes of convenience we have analyzed your inquiries within the context of the following topics: contract modifications; enforcement of price control; disposition of real property; appropriation of funds; fee simple defeasible; and contract interpretation.

1. Contract Modification.


The power of the County to contract is set forth in section 23004 of the Government Code. The power to modify a previously executed contract is inherent in the power to create contractual relationships. Civil Code section 1698. Main Street and Agricultural Park Railroad Company v. Los Angeles Traction Company (1900) 195 Cal. 743. Hochstein v. Berghauser (1899) 123 Cal. 681, 686. The only limitation upon the exercise of this power is that the proposed contractual modifications be supported either by an adequate consideration

or in the absence thereof a public purpose. Government Code section 23007. Winkelman v. City of Tiburon (1973) 32 Cal.3d 834. County of Alameda v. Carleson (1971) 5 Cal.3d 730. The determination of what constitutes an adequate consideration and or a public purpose is primarily a matter of legislative judgment and discretion, which in the absence of an abuse thereof is not subject to judicial review. City of Los Angeles v. Superior Court (1959) 51 Cal.2d 423. County of Alameda v. Janssen (1940) 16 Cal.2d 276.

The proposed modifications would appear to be supported by good consideration as that term is defined by Civil Code section 1605. In the first case consideration to the County would be the promise of the lessee to renegotiate the rental at a time other than contractually required; whereas, in the second case, it would be the detriment incurred by the lessee through the relinquishment of rights of user in a defined parcel of land and substitution in place thereof two contracts describing separate leaseholds with single primary uses for each leasehold estate. However, as previously noted, "(t)he adequacy of the consideration which involves the comparative values of the promises of the parties, is a matter which, in the absence of abuse of discretion, rest in the judgment and discretion of the city council (in our case the Board of Supervisors)." City of Los Angeles v. Superior Court, supra, 51 Cal.2d 423, 432.

1.1
continued

2. Enforcement of Price Control.




The origin of the price control provision is to be found in the judicially created doctrine of public purpose. This doctrine which declares that the sovereign power of the state shall not be used to serve a private purpose has been used to invalidate public projects leased for private operation, whenever the circumstances of the transaction revealed a lack of control by government over the management and operation thereof by the private operator. The applicability of this doctrine has resulted in the invalidation of land grants to the private sector (California Academy of Sciences v. City and County of San Francisco (1895) 107 Cal. 334; Law Societa Italiana Di Mutua Beneficia v. City and County of San Francisco (1900) 131 Cal. 169); contracts for construction of public structures by the

private sector (Egan v. City and County of San Francisco (1913) 165 Cal. 576); and leases of public property to the private sector (City and County of San Francisco v. Ross (1955) 44 Cal.2d 52; Shizas v. Detroit (Michigan 1952) 52 N.W.2d 589; San Vicente Nursery School v. County of Los Angeles (1956) 147 Cal.App.2d 79; Opinion to the Governor (Rhode Island 1950) 70 A. 2d 17).

Among the circumstances that are considered significant in the determination of whether requisite control had been retained by government is the existence of the right to control prices for the services and goods that are to be provided to the public by the private sector in its use of land acquired by the government through the exercise of the power of eminent domain. Egan v. City and County of San Francisco, *supra*, 165 Cal. 576; City and County of San Francisco v. Ross, *supra*, 44 Cal. 2d 52. When such a control is absent, the transaction between government and the private operator has been invalidated on grounds that there has been an unlawful delegation of government control over public lands to the private sector, the existence of which is incompatible with the doctrine that governmental power shall be exercised for public rather than a private purpose.

Although it might be argued that a public purpose is being served if, as a matter of fact, people fill the Marina at whatever prices the lessees charge, the legal requirement implicit in the doctrine is that there be actual control exercised, which in the case of price control means that the public body take action, rather than leave the establishment of prices entirely to the discretion of private individuals operating on public property. For as was observed in the case of Egan v. City and County of San Francisco, *supra*, 165 Cal. 576, 583, "(t)he public use of public property cannot, under any provisions of charter or statute to which our attention has been directed, co-exist with private management and control of such property." Additionally, the argument has been expressly rejected by the State Supreme Court in the course of its review of the proposed combination off street parking and shopping structure to be built by private individuals on public land in downtown San Francisco. "The argument is made that parking at any reasonable rate is serving a public need in metropolitan San Francisco. If public use is to be given

such a broad meaning, it would appear that all off-street parking facilities in San Francisco, regardless of ownership and primary purpose of operation, would be serving a public use. The Constitution does not contemplate that the exercise of the power of eminent domain shall secure to private activities the means to carry on a private business whose primary objective and purpose is private gain and not public need." City and County of San Francisco v. Ross, supra, 44 Cal.2d 52, 59.

The case of Larson v. City of Redondo Beach (1972) 27 Cal.App.3d 332, is inapposite to the conclusion we have expressed herein. The case holds that a municipality is not specially enjoined by law to set rates for entrepreneurs doing business within a public small craft harbor, inasmuch as the harbor is a municipal affair and the powers exercised thereover by the city in the management and control thereof are discretionary in nature. The holding is thus only relevant with respect to a duty to set rates. Rate setting is distinguishable from price control in that in the former the public body actually sets the price, whereas in the latter case the public body merely approves or disapproves the price set by the private individual operating on public property. Accordingly, the absence of a duty to set rates should not be construed as the equivalent of an absence of a duty to control prices, especially given the origin of the price control provision to be the judicially created doctrine of public purpose.

3. Disposition of Real Property.

Ordinarily, the Board of Supervisors can sell property that is surplus or excess, and the general authority of Government Code section 25363 is adequate for that purpose. However, when considering the disposition of property within the Marina, statutes of general applicability to county powers and duties must yield to the statutes of specific applicability to a county revenue bond project that are set forth in Chapter 14, commencing with Section 26301, Part 2, Division 2, Title 3, of the Government Code. It is a rule of statutory construction that "(a) specific provision relating to a particular subject will govern in respect to that subject, as against a general

1.1
continued

**Marina Tenants Association
John Rizzo, President
4015 Via Marina B309
Marina del Rey, California 90292**

Response to Comment 1:

Thank you for your comment regarding the position of the Marina Tenants Association that all apartments and boat slips in the community of Marina del Rey be designated as affordable units. The April 18, 1980, letter from the County of Los Angeles Office of County Counsel to the 1979–1980 grand jury (Attachment 1.1) deals with the broader issue of establishing fair and reasonable prices for all rental units within Marina del Rey. The proposed policy addresses affordable housing in the unincorporated community of Marina del Rey consistent with the requirements of the Mello Act. The Mello Act is a statewide law that aims to preserve and increase the availability of affordable housing units for low- and moderate-income residents in California's Coastal Zone.

Rental rates for apartments not designated as affordable units and rental rates for boat slips are beyond the scope of the existing and proposed policy. The State of California Department of Housing and Community Development (HCD) and the Community Development Commission of Los Angeles County (CDC) set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. Rental rates for apartment units not designated as affordable units and rental rates for boat slips are governed by the terms and conditions of the County's leases and by Policy Statement No. 27. The County will require that lessees list affordable housing units available in Marina del Rey at the following Web site: [http:// housing.lacounty.gov](http://housing.lacounty.gov).

Response to Comment 2:

Marina del Rey consists of 403 acres of water and 401 acres of land, of which 155 acres and 253 acres, respectively, are leased to private developers. The remainder of the property consists of open water, recreation and open space land, and public facilities. The County receives minimum and percentage rents on gross receipts from the lessees based on the types of improvements located on the leasehold and the types of activities authorized by the lease. Individual leaseholds are generally reappraised every 10 years for the purposes of rent readjustment in accordance with the terms and conditions of each ground lease, and when the County is negotiating either a lease extension or a new lease. When the County enters into a new lease or lease extension, the County obtains an appraisal confirming that the return to the County that results from the new lease or lease extension is equivalent to, or greater than, fair market value of the County's lease fee interest in the property.

Response to Comment 3:

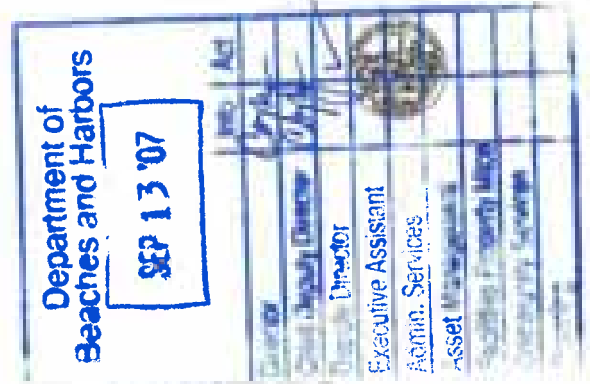
Thank you for your opinion regarding the perceived overcharge for apartments and boat slips in Marina del Rey. Your opinion will be taken into consideration by the County of Los Angeles Board of Supervisors during the decision-making process.

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net

September 11, 2007

Mr. Santos Kreimann
County of Los Angeles
 13837 Fiji Way
 Marina Del Rey, CA 90292



Re: SCH#2007091018; CEQA Notice of Completion; Negative Declaration for Marina Del Rey Affordable Housing Policy; County of Los Angeles; Los Angeles County, California

Dear Mr. Kreimann:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Co-acts on list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

1

2

✓ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

3

✓ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

4

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,


Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Native American Contacts

Los Angeles County

September 11, 2007

Charles Cooke
32835 Santiago Road
Acton , CA 93510
(661) 269-1422
(661) 733-1812

Chumash
Fernandeno
Tataviam
Kitanemuk

Owl Clan
Qun-tan Shup
48825 Sapaque Road
Bradley , CA 93426
(805) 472-9536
(805) 835-2382 - CELL
Chumash

Beverly Salazar Folkes
1931 Shadybrook Drive
Thousand Oaks , CA 91362
805 492-7255

Chumash
Tataviam
Fernandeño

Ti'At Society
Cindi Alvitre
6602 Zelzah Avenue
Reseda , CA 91335
calvitre@yahoo.com
(714) 504-2468 Cell
Gabrielino

Fernandeno Tataviam Band of Mission Indians
Randy Guzman-Folkes, Dir. Cultural and Environmental Department
601 South Brand Boulevard, Suite 102
San Fernando , CA 91340
ced@tataviam.org
(818) 837-0794 Office
(805) 501-5279 Cell
(818) 837-0796 Fax
Fernandeno
Tataviam

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Administrator
4712 Admiralty Way, Suite 172
Marina Del Rey , CA 90292
310-570-6567
Gabrielino Tongva

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm. 403
Los Angeles , CA 90020
(213) 351-5324
(213) 386-3995 FAX

Diane Napoleone and Associates
Diane Napoleone
6997 Vista del Rincon
La Conchita , CA 93001
dnaassociates@sbcglobal.net
805-643-7492
Chumash

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007091018; CEQA Notice of Completion; Negative Declaration for the Marina Del Rey Affordable Housing Policy; County of Los Angeles;; Los Angeles County, California.

Native American Contacts

Los Angeles County

September 11, 2007

Gabrielino/Tongva Tribal Council

Anthony Morales, Chairperson

PO Box 693

Gabrielino Tongva

San Gabriel , CA 91778

ChiefRBwife@aol.com

(626) 286-1632

(626) 286-1758 - Home

(626) 286-1262 Fax

Gabrielino/Tongva Council / Gabrielino Tongva Nation

Sam Dunlap, Tribal Secretary

761 Terminal Street; Bldg 1, 2nd floor Gabrielino Tongva

Los Angeles , CA 90021

office @tongvatribes.net

(213) 489-5001 - Officer

(909) 262-9351 - cell

(213) 489-5002 Fax

Carol A. Pulido

165 Mountainview Street

Chumash

Oak View , CA 93022

805-649-2743 (Home)

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007091018; CEQA Notice of Completion; Negative Declaration for the Marina Del Rey Affordable Housing Policy; County of Los Angeles;; Los Angeles County, California.

**Native American Heritage Commission
Dave Singleton, Program Analyst
915 Capital Mall, Room 364
Sacramento, California 95814**

Response to Comment 1:

Thank you for your letter regarding Native American cultural resources. The County recognizes that the Native American Heritage Commission (NAHC) is a trustee and responsible agency pursuant to CEQA; therefore, the Notice of Intent to adopt an ND was provided to the NAHC.

As demonstrated in the environmental analysis provided in the ND, the proposed Marina del Rey Affordable Housing Policy would not be expected to result in direct, indirect, or cumulative impacts to the physical environment or social or economic impacts that would result directly, indirectly, or cumulatively to changes in physical environment. The proposed policy addresses affordable housing in the unincorporated community of Marina del Rey consistent with the requirements of the Mello Act. The Mello Act is a statewide law that aims to preserve and increase the availability of affordable housing units for low- and moderate-income residents in California's Coastal Zone. The proposed policy does not authorize any demolition, ground disturbance, excavation, grading, or construction. Adoption of the proposed policy would not result in direct, indirect, or cumulative impact to the physical environment; therefore, no record search, archaeological inventory survey, Sacred Lands Search, or mitigation plan are required in conjunction with the adoption of the proposed policy.

The proposed policy would not alter, reference, or provide guidance contrary to the adopted Marina del Rey Land Use Plan, an element of the County of Los Angeles General Plan. The existing adopted Local Coastal Program (LCP), including the Marina del Rey Specific Plan, provides land use designations and densities for the unincorporated community of Marina del Rey within the Coastal Zone.² The existing adopted Specific Plan includes procedures for the protection of cultural heritage resources. The Specific Plan requires a report by a qualified archaeologist; imposition of mitigation measures recommended in the archaeologist's report; notification of the State Historic Preservation Office and the NAHC of the location of any proposed disturbance of native soils or vegetation; acknowledgment of the applicability of Section 7050.5 of the Health and Safety Code and Sections 5097.94, 5097.98, and 5097.99 of the Public Resources Code to development projects; inclusion on all project plans of a summary of the procedures that apply in the event of discovery of Native American remains or grave goods; and approval of archaeological recovery programs as permit amendments.³ The proposed policy is consistent with the existing community plan.

Response to Comment 2:

The proposed adoption of the Marina del Rey Affordable Housing Policy applies to new development and redevelopment within the community of Marina del Rey in the unincorporated territory of the County of Los Angeles. All development within the unincorporated community of Marina del Rey is currently subject to, and would continue to be subject to, the regulatory

² County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan*. (Certified by the California Coastal Commission.) Los Angeles, CA.

³ California Coastal Commission. Certified 10 May 1995. Los Angeles County Code, Part 3, Chapter 22.46, §22.46.1180(5)

oversight of the County pursuant to the Land Use Plan and Specific Plan, which includes procedures for the protection of cultural resources. See Response to Comment No. 1.

As a Lead Agency under CEQA and consistent with the requirements of the Specific Plan, the County requires the evaluation of each proposed development project in Marina del Rey for the potential to cause adverse impacts to the environment, including historical resources, archaeological resources, Native American Sacred Sites, and human remains, in conjunction with the preparation of environmental documents.



www.wclp.org/

Syd Whalley
Executive Director
Denise E. Williamson
Director of Human Resource
and Administration
Alison Morgan
Director of Development
Los Angeles Headquarters

3701 Wilshire Boulevard
Suite 208
Los Angeles, CA 90010-2826
Telephone: (213) 487-7211
Fax: (213) 487-0242

Richard A. Rothschild
Director of Litigation
Robert D. Newman
Senior Counsel
Patrick Dunlevy
Attorney at Law
Jen Flory
Attorney at Law
Deanna Kitamura
Attorney at Law
Vanessa Lee
Attorney at Law
Kimberly Lewis
Attorney at Law
Dora Luna
Attorney at Law
Andrea Luquetta
Attorney at Law
Katie Murphy
Attorney at Law
Greg Spiegel
Attorney at Law
Nu Usaha
Attorney at Law

Sacramento Office

1107 Ninth Street, Suite 801
Sacramento, CA 95814-3607
Telephone: (916) 442-0753
Fax: (916) 442-7986

Christine Minnehan
Director of Legislative Advocacy
Angela M. Gilliard
Legislative Advocate
Mike Herald
Legislative Advocate
Elizabeth A. Landsberg
Legislative Advocate
Mike Moynagh
Legislative Advocate

Bay Area Office

P.O. Box 9070
Vallejo, CA 94591
Telephone: (707) 552-5306
Fax: (707) 552-5316

S. Lynn Martinez
Attorney at Law

October 4, 2007

Mr. Santos H. Kreimann, Deputy Director
County of Los Angeles Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292

RE: COMMENTSON PROPOSED NEGATIVE DECLARATION FOR
MARINA DEL REY AFFORDABLE HOUSING POLICY

Dear Mr. Kreimann:

The Western Center on Law and Poverty submits these comments regarding the Proposed Negative Declaration for the Marina del Rey Affordable Housing Policy on behalf of our colleagues at the Legal Aid Foundation of Los Angeles and People Organized for Westside Renewal (POWER), a community group working with low-income residents of Marina del Rey.

Under the California Environmental Quality Act (CEQA), a Negative Declaration is proper only where there is no substantial evidence supporting a fair argument that the project may have a significant effect on the environment. *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1134-1135. Notably, if there is substantial evidence that a proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be "fairly argued" that the project might have a significant environmental impact. *Friends of "B" Street v. City of Hayward*, (1980) 106 Cal. App. 3d 988, 1002. "This is a low threshold for the preparation of an EIR, reflecting a preference to resolve doubts in favor of full-blown environmental review." *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1109-1110.

On page 2-2 of the Proposed Negative Declaration, the County finds that the proposed policy "could not have a significant impact on the environment." More specifically, on page 2-9, the County finds that the proposed policy does not "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. However, the Proposed Negative Declaration fails to adequately evaluate the conflict between the proposed Policy and both the Marina del Rey Land Use Plan and the County's Housing Element.

2

3

I. Adoption of the Proposed Policy would Conflict with the Marina del Rey LUP and Housing Element, which Mandate the Creation of Low Income Units for County Residents.

The County's Proposed Mello Policy represents a step backwards from its existing Policy because the proposed Policy would result in 50% fewer low income units in the Marina. Under the existing Policy, developers are required to provide 10% affordable units to households at 60% of AMI. Under the proposed Policy, developers are required to provide only 5% of the net new units as affordable units to households at 80% AMI and 5% of the net new units as affordable units to households at 120% AMI. The County, accordingly, will more than *cut in half* the number of affordable units to be provided to low income residents through the proposed Policy. This makes little sense in light of the fact that the County's own Marina del Rey LUP requires the County facilitate the development of low income housing and the County's Housing Element Annual Report indicates a greater need for low income housing than moderate income housing.

1.1

A. Adoption of the Proposed Policy would Conflict with the Marina del Rey LUP

As the Proposed Negative Declaration noted, the Marina del Rey LUP includes policy objectives to:

- Support and facilitate the development of housing affordable to lower income households, and encourage the dispersal of new lower-income housing throughout the unincorporated areas of the County.
- Support the design and construction of rental housing to meet the needs of lower income households, particularly large families, senior citizens, and people with disabilities.

1.1

The existing Policy facilitates the development of low income housing by requiring 10% of the entire project to be affordable to low income households at 60% of AMI. In stark contrast, the proposed policy: (1) reduces the percentage requirement of low income units to 5%; (2) reduces the income targeting for low income units from 60% of AMI to 80% AMI; and (3) calculates the affordable housing obligation based on only net new units. These provisions drastically reduce the number of low income units a developer must provide in the Marina.

1. Examples of Calculations of Low Income Units Based on Total vs. Net New

Villa Venetia

Current units: 224 of which 18 are affordable
Proposed: 263 apartments and 216 condos (479 total)

Under County's existing policy:
 $10\% \text{ of } 461 = 46 \text{ L inclusionary units.}$

Under County's proposed policy:
 $479 \text{ new} - 224 \text{ current} = 255 \text{ net new}$
 $5\% \text{ of } 255 = 12.75 \text{ L inclusionary units}$

Loss of low income units if proposed Policy is implemented: $46 - 13 = 33 \text{ units}$

Neptune

Current units: 136 of which 22 are affordable
Proposed: 526

Under County's existing Policy:
 $10\% \text{ of } 504 = 50.4 \text{ L inclusionary units}$

Under County's proposed policy:
 $526 \text{ new} - 136 \text{ current} = 390$
 $5\% \text{ of } 390 = 19.5 \text{ L inclusionary units}$

**Loss of low income units if proposed Policy is implemented:
 $50.4 - 19.5 = 30.9 \text{ units}$**

Using these actual examples, it is clear that the proposed Policy will result in the loss of low income units in the Marina. The proposed Policy conflicts with both policy objectives set out in the Marina del Rey LUP.

2. Policy Implications Where No Affordable Units Exist At Future Marina Developments

The County's Proposed Policy applies to all present and future Marina developments. At future developments, there will not be a replacement housing obligation if no affordable units exist on-site. Using the Villa Venetia development as an example, and assuming that no replacement units exist:

conti
+

Under County's existing Policy: 10% of 479 = 48 L

Under County proposed Policy: 5% of 255 = 13 L

Loss of low income units if proposed Policy is implemented: 48-13 = 35 units

Adoption of a policy that requires only 13 low income units in a 479 unit development, in contrast to the 48 low income units that would be required under the existing Policy, conflicts with the Marina del Rey LUP, which supports increased development of low income units. Just as importantly, a net new policy provides an incentive for developers to terminate the tenancy of very low, low, and moderate income tenants before ground lease negotiations begin in order to reduce their replacement obligation.

Attach

The Proposed Negative Declaration claims that the proposed Policy would not cause an overall reduction in the number of existing affordable housing units in Marina del Rey. (Report at p. 3.9-3). However, this statement is misleading. As a result of the net new provision, the Policy may result in a *decrease* in the number of affordable units that would have been required in the existing Policy. In the example above, the existing Policy would require 48 low income units and the proposed Policy would only require 26 affordable units (13 low and 13 moderate).

B. Adoption of the Proposed Policy would Conflict with the Needs of Low Income Residents As Quantified in the County's Housing Element

The County's 2006 Housing Element Annual Report illustrates that there is a much greater need for low income units than moderate income units in the unincorporated areas of the County. The County's 2006 Report reveals that, while the County needs 7,197 low income units, it needs only 5,910 moderate income units. (See attached Report at p. 5). In other words, the County needs to produce 1,287 *more* low income units than moderate income units to satisfy its RHNA allocation. In light of this data from the County's Report, the County should not reduce the percentage of low income units required in the Policy from 10% to 5%.

3.4

The County's 2006 Annual Report additionally reveals that moderate income housing production is occurring at a much more rapid pace than the production of low income housing. The Report (at p. 5) indicates that while 3,949 moderate income units have been produced between 1998 and 2006, only 322 low income units have been produced during the same time period. This is a difference of 3,627 units. These production numbers strongly show a need to facilitate the development of low income units, not moderate income households, which are being provided at greater levels by the private market.

The arguments set forth above illustrate that there is substantial evidence supporting a fair argument that the proposed Policy may have a significant effect on the environment. *Laurel Heights*, 6 Cal.4th at 1134-1135.

3.5

II. The County Should Adopt Mitigation Measures

In order to avoid a conflict with the existing Marina del Rey LUP and Housing Element, at a minimum, the County should consider mitigation measures or alternatives in accordance with § 150363 of the CEQA Guidelines. Specifically, the County should continue to require developers in the Marina to include 10% low income units based on the entire project size.

4

Sincerely,



Deanna R. Kitamura
Staff Attorney

DRK/adb
Encls.

**Western Center on Law and Poverty
Deanna R. Kitamura, Staff Attorney
3701 Wilshire Boulevard, Suite 208
Los Angeles, California 90010-2826**

Response to Comment 1:

Thank you for your letter regarding the ND for the Marina del Rey Affordable Housing Policy. The ND determined that the proposed policy would not be expected to result in significant environmental impacts. Although the County received many comments regarding the scope and enforcement of the proposed policy, the County received no substantial evidence indicating that a “fair argument” exists that the policy refinements embodied in the proposed policy would result in direct, indirect, or cumulative impacts to the environment.

As demonstrated in the environmental analysis provided in the ND, the proposed policy would not be expected to result in direct, indirect, or cumulative impacts to the physical environment or social or economic impacts that would result directly, indirectly, or cumulatively to changes in physical environment. The proposed policy would not alter, reference, or provide guidance contrary to the adopted Marina del Rey Land Use Plan, an element of the County of Los Angeles General Plan. The existing adopted Local Coastal Program (LCP) provides land use designations and densities for the unincorporated community of Marina del Rey within the Coastal Zone.⁴ The proposed policy requires that new affordable housing units be reasonably dispersed throughout new housing complexes or refurbished older housing complexes, and be comparable in size and design to market-rate housing units being developed in the rental component of the new or converted development. As a result, housing must be constructed as part of and within the redeveloped areas and would not be constructed in a separate location away from the market-rate housing. The proposed policy is consistent with the existing community plan.

Therefore, preparation and consideration of the ND circulated for public review and the public comments and responses resulting from that review fulfills the County of Los Angeles Board of Supervisors responsibilities for environmental analysis and documentation pursuant to CEQA statute and guidelines.

Response to Comment 2:

Thank you for your comment. The substantial evidence supporting the consistency determinations referenced on page 2-9 and 2-11 of the ND is provided in Sections 3.9, Land Use and Planning, and 3.12, Population and Housing, of the ND.

Response to Comment 3:

Thank you for your comment. The proposed policy is consistent with the Marina del Rey Land Use Plan and the County’s Housing element. As demonstrated in the example provided in Section 1, Project Description, of the ND, the proposed policy requires in-kind replacement of all existing units occupied by low- or moderate-income households and sets policy goals of a 5-percent set aside of all net new units constructed in Marina del Rey for low-income households and 5-percent set aside of all net new units for moderate-income households. The County has determined that

⁴ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan*. (Certified by the California Coastal Commission.) Los Angeles, CA.

providing for set aside of affordable units for both low-income and moderate-income households addresses the unmet need for housing in diverse income groups.

The purpose of the proposed changes to the policy are intended, in part, to encourage the construction of more affordable housing within Marina del Rey through the discontinuation of the in-lieu fee program set forth in the existing policy. The primary effect of the proposed policy is to remove the existing option provided to developers that allows for payment of the in-lieu fee instead of the actual provision of affordable housing on site in their developments. As such, it is speculative to conclude that less affordable housing would be designated under the proposed policy as compared to the existing policy.

The proposed policy goals of a 5-percent set aside of all net new units constructed in Marina del Rey for low-income households and 5-percent set aside of all net new units for moderate-income households represent what the County believes to be an appropriate and feasible affordable housing mix for Marina del Rey, taking into account economic, environmental, social, and technical factors. However, pursuant to the proposed policy, each development project would undergo an individual feasibility analysis to determine compliance with the Mello Act; therefore, the number of units set aside for affordable housing may vary based on the County's determination of feasibility.

The existing physical environment is the appropriate baseline for purposes of CEQA, which in this case would be the number of available designated affordable housing units at the time of preparation of the ND. The analysis of the No Project Alternative is only required when the Initial Study results in a determination that the proposed project would likely result in significant impacts that would not be expected to be reduced to below the level of significance. Any potential difference in the number of affordable units designated under the existing policy as compared to the proposed policy would constitute a social effect of the project rather than comprising a significant adverse physical impact on the environment. The relative distribution of affordable units would not result in a potentially significant effect on the physical environment because the overall number of units to be physically constructed under either policy would be the same (i.e., the number of affordable units and market-rate units combined). Although the designation of a housing unit as affordable or market rate has potential financial implications for the prospective occupant of that unit, there is no physical impact to the environment as the number of affordable units are a portion of the total number of units to be constructed, and under the proposed policy, the affordable units are to be comparable in size and design to the market-rate units. Thus, there should be no physical difference in the total number of units or their overall size and design.

Response to Comment 3.1:

Thank you for your comment. The proposed policy is not in conflict with the Marina del Rey Land Use Plan.

It is important to point out that housing is not a priority use in the Coastal Zone under the Coastal Act. On page 8-9 of the Marina del Rey Land Use Plan, it states that "**Coastal Housing is not a Priority**. Although construction of housing is not a priority use in the Coastal Zone, additional opportunities for coastal housing *may be provided, where appropriate.*" (Emphasis added.)

With regard to affordable housing, the Marina del Rey Land Use Plan states that the following General Plan policies shall be applicable to the review and approval of housing projects within the existing Marina:⁵

1. Encourage private sector participation in the development of low- to moderate-income housing.
2. Support and facilitate the development of lower income housing throughout unincorporated areas of the County.
3. Support the design and construction of rental housing to meet the needs of lower income households, particularly large families, senior citizens, and people with disabilities.

The proposed policy is consistent with the Marina del Rey Land Use Plan provisions regarding affordable housing because the proposed policy sets goals of a 5-percent set aside of all net new units constructed in Marina del Rey for low-income households and a 5-percent set aside of all net new units for moderate-income households. In addition, those units that are currently occupied by persons and families of low income must be replaced with affordable housing units on a like-for-like basis consistent with the income level of the current occupants. Furthermore, the proposed policy does not permit the payment of fees in lieu of the provision of on-site or off-site affordable housing, as does the current policy, ensuring the prompt construction of actual affordable housing units within Marina del Rey or within the Coastal Zone or 3 miles thereof as provided for in the Mello Act. If the required affordable housing is permitted off site, priority is to be given to placement of such housing in the unincorporated areas of the Coastal Zone or within 3 miles thereof. Thus, the proposed policy is consistent (and not in conflict) with the Marina del Rey Land Use Plan policies on affordable housing because it: (1) requires private-sector developers to construct both low *and* moderate-income housing in conjunction with their market-rate developments, (2) facilitates the preservation of existing affordable housing and development of additional affordable housing in the unincorporated areas of the County, and (3) supports the design and construction of affordable rental housing as all such affordable housing under the proposed policy may be rental housing.

Please note that if the proposed policy were to be adopted, the County intends to use 60 percent of the adjusted median income (AMI) to determine eligibility for low-income units, not 80 percent of the AMI.

Response to Comment 3.2:

Thank you for your comment. Please see Response to Comment No. 3. The appropriate baseline for purposes of CEQA is the existing physical environment, not a hypothetical build-out under the existing policy. There will be an increase in the number of low-income housing units in Marina del Rey, over the current number of affordable units, as a result of the proposed policy. Furthermore, the County has a goal of a 5-percent set aside for moderate-income housing, which is authorized by the Mello Act and consistent with the Marina del Rey Land Use Plan, which seeks to

⁵ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan*. (Certified by the California Coastal Commission.) Los Angeles, CA.

"encourage private sector participation in the development of *low and moderate-income housing*." (Emphasis added.)⁶

Response to Comment 3.3:

Thank you for your comment. Please see responses to Comment Nos. 3 and 3.2. The appropriate baseline for purposes of CEQA is the existing physical environment, not a hypothetical build-out under the existing policy. The statement cited from the ND is correct; the proposed policy would not cause an overall reduction in the number of existing affordable housing units in Marina del Rey. There would be an increase in the number of low-income housing units in Marina del Rey, over the current number of affordable units, as a result of the proposed policy.

The proposed policy's replacement and inclusionary housing requirements are consistent with the requirements of the Mello Act. Any policy that incorporates the Mello Act's replacement housing requirement would create an incentive for developers to terminate low- and moderate-income tenants in order to avoid the replacement obligation. The proposed policy increases the time period set forth in the Mello Act during which such activities will be presumed to be for the purpose of avoiding the replacement obligation under the Mello Act. The Mello Act provides that evictions within one year prior to the filing of an application to convert or demolish the unit will be deemed occupied by a low- or moderate-income household if the eviction was for the purpose of avoiding the replacement obligations of the Mello Act and that if there are a substantial number of evictions from a single development within that same year, the evictions will be presumed to be for the purpose of avoiding the replacement obligations of the Mello Act. Under the proposed policy, this time period shall be within one year of the commencement of term sheet negotiations with the County, which may be years before an application to convert or demolish is filed with the appropriate regulatory authority.

Response to Comment 3.4:

Thank you for your comment. The County's Housing element and the County's Housing element Annual Report cite the need to construct residential units for all income units. The County's General Plan Housing element requires the consideration of programs to address the preservation of housing in all income units. As the proposed policy provides for housing units for low- and moderate-income residents, it is consistent with the County's Housing element. The proposed policy's applicability is limited to the unincorporated area of Marina del Rey, which had a population of 8,176 in the 2000 census; it is unrealistic to expect that this proposed policy of limited application could meet the affordable housing needs of the entire County. However, the proposed policy does address low- and moderate-income housing needs as it is anticipated to increase the number of low- and moderate-income housing units in the unincorporated area of Marina del Rey; therefore, it is consistent with the County's Housing element.

Response to Comment 3.5:

Thank you for your comment. The purpose of CEQA is to determine whether a proposed project has the potential for a significant effect on the existing physical environment. The comparison of potential impacts of the proposed policy against the existing policy is an inappropriate comparison under CEQA as it seeks to compare the proposed policy against hypothetical conditions rather than

⁶ County of Los Angeles Department of Regional Planning. 8 February 1996. *Marina del Rey Land Use Plan*. (Certified by the California Coastal Commission.) Los Angeles, CA.

the existing physical environment. In the context of the existing physical environment, there is no conflict between the proposed policy and the Marina del Rey Land Use Plan or the County's Housing element as the proposed policy is consistent with, and promotes the goals of, each. As such, there is no substantial evidence supporting a fair argument that the proposed policy may have a significant effect on the environment.

Response to Comment 4:

Thank you for your comment. The ND determined that the proposed policy would not result in significant impacts to the environment and that no mitigation would be necessary. As set forth in the responses to Comment Nos. 3 to 3.5, a significant impact to the environment has not been identified that would justify a mitigation measure.

**MARINA DEL REY AFFORDABLE HOUSING POLICY
PUBLIC COMMENTS
SEPTEMBER 19, 2007 COMMUNITY MEETING**

No.	COMMENT	RESPONSE TO COMMENT
A. CEQA Procedural Issues		
1.	Although a number of meeting participants indicated that they had received the Notice of Availability (NOA), they were concerned that others may not have received the NOA.	Although the State of California Environmental Quality Act (CEQA) does not require that the Lead Agency host a public meeting during circulation of the Proposed Negative Declaration (ND), the County of Los Angeles opted to conduct a community meeting to provide the public with information on the proposed policy and solicit comments about the potential environmental consequences. Although, Section 15087 of the State CEQA Guidelines requires only one of three processes of noticing, direct mail, posting of the notice on and off site, or newspaper publication, be implemented, the County used all three noticing methods. Copies of the NOA and the proposed ND were placed for public review at the County of Los Angeles Department of Beaches and Harbors, the Burton Chace Park Recreation Center, the Marina del Rey Visitors' Center, and the Marina del Rey Library. Legal notices were posted two weeks in advance in the <i>Los Angeles Times</i> and the <i>Argonaut Newspaper</i> . Approximately 8,500 notices were sent to residents of Marina del Rey and to those living within 1,500 feet of the Marina del Rey boundary. In addition, the NOA and the proposed ND were posted on the County of Los Angeles Department of Beaches and Harbors Web site (http://beaches.co.la.ca.us).
2.	Some meeting participants expressed their appreciation of the facilitated meeting format, and others were disappointed that the meeting was not conducted as a public hearing with the opportunity to speak at a microphone before an audience.	The County indicated that all parties that submitted written comments or participated in the meeting would be notified when the ND and proposed policy were scheduled to be heard by the Board of Supervisors. While CEQA does not require a community meeting if it has been determined that an ND would be prepared for a proposed project, there will be an opportunity to address the Board of Supervisors and the public about the proposed policy at the Board of Supervisors' hearing.
3.	Meeting participants asked about the manner in which their concerns would be addressed.	The County indicated that a summary of the comments received at the meeting and responses to the comments would be provided to meeting participants a minimum of 10 calendar days before the Board of Supervisors' hearing on the matter. At the Board of Supervisors' hearing, speakers will inform the Clerk of the Board of their desire to speak by completing comment cards, then they will come before the Board one at a time to speak about the proposed policy.

No.	COMMENT	RESPONSE TO COMMENT
B. Scope of Affordable Housing Policy		
1.	<p>Residents requested that the proposed policy be expanded to include a rent stabilization policy that states:</p> <ul style="list-style-type: none"> • Allowable rents are scaled to reflect age of building, size of unit, and amenities. • All comparable units within a development have comparable rental rates. • Excessive and/or arbitrary rent increases that displace any low- or moderate-income tenants such that the units become available at market rate only would be disallowed. 	<p>The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not address apartment rents generally. The State of California Department of Housing and Community Development (HCD) and the Community Development Commission of Los Angeles County (CDC) set the standards for income qualification, eligibility, and rental rates for low or moderate income housing units provided pursuant to the Mello Act. Rental rates for apartment units not designated as affordable units are governed by the terms and conditions of the County's leases and by Policy Statement No. 27.</p>
2.	<p>Residents stated a need for fixed-rate rental units for senior tenants or others on fixed incomes because their incomes do not increase each year and there was concern that even low-income affordable housing might eventually be too expensive for those on fixed incomes.</p>	<p>The Mello Act is a statewide law that aims to preserve and increase the availability of affordable housing units for low- to moderate-income residents in California's coastal zones. The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act based upon the requirements of state law. Generally speaking, affordable rents are not fixed, but are adjusted annually. The proposed policy, which seeks to implement the Mello Act, does not address senior housing issues because the Mello Act does not specifically address senior housing. Neither the proposed policy nor the Mello Act, however, prohibits low- or moderate-income senior housing, and therefore, affordable housing that is specifically designed to accommodate senior residents in compliance with state standards would be considered suitable for compliance with the proposed policy and the Mello Act if it otherwise meets the requirements of the policy and the Act.</p>
3.	<p>Residents asked how the proposed policy would monitor the designation of low- and moderate-income units to ensure that they are not reallocated as market-rate units.</p>	<p>The proposed policy requires that the lessee record a covenant guaranteeing that the relevant income and rent requirements for each affordable housing unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy. The proposed policy further provides for the CDC to be responsible for oversight of the affordable housing units and requires the CDC to conduct annual monitoring of affordable housing units in order to ensure compliance with the policy.</p>

No.	COMMENT	RESPONSE TO COMMENT
4.	<p>Residents suggested that the County of Los Angeles provide interim trailer housing for individuals displaced when existing affordable housing units are destroyed. Residents stated that the proposed policy needs to address a process for distribution of affordable housing and that "first priority" should be given to individuals displaced from affordable housing units in Marina del Rey due to demolition and new development. Residents suggested that displaced tenants in affordable units, especially those who have lived in Marina del Rey for a significant number of years, have the right of first return and to occupy the newly developed affordable housing units.</p>	<p>Section 3.12, Population and Housing, of the Proposed Negative Declaration prepared for the proposed policy addresses information regarding the anticipated impacts of the proposed policy on population and housing. The proposed Negative Declaration determined that the Marina del Rey real estate market appears to have sufficient capacity to absorb individuals who are temporarily displaced during redevelopment of individual properties, and given the notice of potential displacement required under the proposed policy, the vacancy rate, net increase in units, general market conditions, and average relocation time, there would be no expected impacts to population and housing related to the displacement of substantial numbers of people necessitating the construction of replacement housing elsewhere. The Mello Act does not require that existing low- or moderate-income tenants be given a right of first refusal, and the policy does not provide for such a right.</p> <p>The County appreciates the public comments regarding accessibility to affordable housing units provided pursuant to the proposed policy. The County has included language in the proposed policy requiring the applicant to advertise the availability of affordable housing units within the unincorporated community of Marina del Rey on the CDC Web site: http://housing.lacounty.gov.</p>
5.	<p>Residents stated that the proposed policy should require that the developer notify displaced individuals when replacement housing in new developments becomes available.</p>	<p>Section 3.12, Population and Housing, of the proposed Negative Declaration prepared for the proposed policy addresses information regarding the anticipated impacts of the proposed policy on population and housing.</p> <p>The County appreciates the public comments regarding accessibility to affordable housing units provided pursuant to the proposed policy. The County has included language in the proposed policy requiring the applicant to advertise the availability of affordable housing units within the unincorporated community of Marina del Rey on the CDC Web site: http://housing.lacounty.gov.</p>
6.	<p>Residents stated that the income surveys conducted by the County of Los Angeles were too confusing and lengthy.</p>	<p>The County appreciates the public comments regarding the income survey form. The County has revised the income survey and has included such a survey in the proposed Marina del Rey Affordable Housing Policy.</p>

No.	COMMENT	RESPONSE TO COMMENT
7.	Residents stated that they did not receive responses to many questions about income surveys and complaints that they submitted. Residents stated that the survey instructions needed to adequately inform residents of the importance / relevance of participating in the survey.	The County appreciates the public's feedback regarding the income survey. The County has revised the income survey and has included such a survey in the proposed Marina del Rey Affordable Housing Policy.
8.	Residents stated that it is not made clear that the income surveys are to determine the future number of affordable units in the new replacement building.	<p>The County appreciates the public's feedback regarding the need to emphasize the importance of the income survey in the form that is distributed to residents in buildings proposed for redevelopment. The County has included language in the proposed policy requiring the applicant to advertise the availability of affordable housing units within the unincorporated community of Marina del Rey on the CDC Web site: http://housing.lacounty.gov.</p> <p>The County has revised the income survey and has included such a survey in the proposed Marina del Rey Affordable Housing Policy.</p>
9.	Residents asked if the proposed policy would be retroactive to existing units.	As stated in the ND and the proposed policy, the proposed policy would only require new development and redevelopment projects to be consistent with the proposed policy.
10.	Residents asked if there is there any obligation to provide units to displaced individuals.	The Mello Act does not require that specific affordable housing units be developed for specific individuals.
11.	Residents stated need for established schedule of rent increases (percentages), as opposed to arbitrary increases, so that renters can anticipate increases and plan their budgets, and their housing choices, accordingly.	The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not address apartment rents generally. The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. Rental rates for affordable units generally only change annually. Rental rates for apartment units not designated as affordable units are governed by the terms and conditions of the County's leases and by Policy Statement No. 27.
12.	Residents asked to have data on the income matrix provided by the County of Los Angeles explained.	The income matrix has been amended with footnotes explaining the data.

No.	COMMENT	RESPONSE TO COMMENT
13.	Residents asked what the oversight was for the Community Development Commission.	The CDC is a consolidation of three County entities, the Housing Authority, the CDC, and the Redevelopment Agency, and is a separate legal entity from the County. The County of Los Angeles Board of Supervisors serves as the commissioners of the CDC and is its governing board.
C. Existing Conditions		
1.	Residents from apartment complexes, including Villa Venetia, Marina Harbor, Mirabella Development, and Mariner's Bay, expressed specific concern about how the proposed policy would affect them.	The Villa Venetia is under consideration for redevelopment. The Marina Harbor has been developed and has 18 affordable housing units. The Mirabella Development is located within the jurisdiction of the City of Los Angeles and is not subject to this proposed policy. Mariner's Bay is not currently slated for redevelopment, but should it ever be considered for redevelopment, the proposed policy would apply.
2.	Residents from Marina Harbor stated that 18 senior units have been notified that they need to be re-designated.	The County is not aware of any proposal to redesignate the 18 affordable housing units at Marina Harbor or any notice to that effect. The CDC is working with the lessee of Marina Harbor to ensure that the correct rental rates are being charged for the affordable units. The proposed policy, however, is not applicable to the existing affordable housing units in Marina Harbor as the proposed policy, if adopted, will only apply to prospective developments.
3.	Residents from the Mirabella Development stated that the complex appears to have low- and moderate-income units that have been reallocated outside of the affordable category.	The Mirabella Development is located within the jurisdiction of the City of Los Angeles and is not subject to this proposed policy. Any grievances should be reported to LAHD. Information as to how to file grievances can be accessed by calling: 1-800-477-5977 or through the following Web site: http://www.lacity.org/lahd/ .
4.	Residents from Mariner's Bay stated that there appears to be relatively arbitrary and excessive rent increases (for example: \$1,650 per month market-rate rent increased to \$2,450 per month within one month). In addition, no new leases are being provided. Residents were also concerned about why the apartment occupants had to leave.	The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not address apartment rents generally. The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. Rental rates for affordable units generally only change annually. Rental rates for apartment units not designated as affordable units are governed by the terms and conditions of the County's leases and by Policy Statement No. 27. Allegations of unfair or unreasonable rents should be directed to the County of Los Angeles Department of Beaches and Harbors.

No.	COMMENT	RESPONSE TO COMMENT
5.	Residents expressed an interest in a policy that protects long-term tenants in affordable units from arbitrary increases.	The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not address apartment rents generally. The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low or moderate income housing units provided pursuant to the Mello Act. Rental rates for affordable units generally only change annually and are calculated based on a percentage of the qualifying income level adjusted for family size. Rental rates for apartment units not designated as affordable units are governed by the terms and conditions of the County's leases and by Policy Statement No. 27. Allegations of unfair or unreasonable rents should be directed to the County of Los Angeles Department of Beaches and Harbors.
6.	Residents asked if current Marina del Rey affordable housing tenants have a guarantee to move back after a new building is completed in place of their old building.	Section 3.12, Population and Housing, of the Proposed Negative Declaration prepared for the proposed policy addresses information regarding the anticipated impacts of the proposed policy on population and housing. The Mello Act does not require that existing low- or moderate-income tenants be given a right of first refusal, and the policy does not provide for such a right. The County of Los Angeles will require that lessees list affordable housing units available in Marina del Rey at the following Web site: http:// housing.lacounty.gov .
7.	Residents asked if there was a way to monitor rent increases, or be provided with a schedule of expected rent increases over time, so that increases were not arbitrary and tenants could plan their budgets accordingly.	The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not address apartment rents generally. The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. Rental rates for affordable units generally only change annually and are calculated based on a percentage of the qualifying income level adjusted for family size. Rental rates for apartment units not designated as affordable units are governed by the terms and conditions of the County's leases and by Policy Statement No. 27. Allegations of unfair or unreasonable rents should be directed to the County of Los Angeles Department of Beaches and Harbors.

No.	COMMENT	RESPONSE TO COMMENT
8.	Residents asked how rental rates are determined by the community and the County.	The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not address apartment rents generally. The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. Rental rates for affordable units generally only change annually and are calculated based on a percentage of the qualifying income level adjusted for family size. Rental rates for apartment units not designated as affordable units are governed by the terms and conditions of the County's leases and by Policy Statement No. 27. Allegations of unfair or unreasonable rents should be directed to the County of Los Angeles Department of Beaches and Harbors.
9.	Residents asked if there are any affordable units in the Esprit Development.	There will be 82 low-income senior units in the Esprit Development.
D. Environmental Issues		
<i>Land Use and Planning</i>		
1.	Residents stated that public lands (Marina del Rey) should be used for public benefit rather than a revenue source, and made reference to common land practice in England. Residents stated that developers of the Marina have made millions and that these developers can afford to give back.	Marina del Rey was conceived as a public/private partnership, with the private development serving to generate revenue for the repayment of the development and construction costs of the marina, to provide recreational, commercial, and residential facilities in support of the marina, and to fund the on-going operation and maintenance of the marina. Today, Marina del Rey also serves as a significant source of general fund revenue for the County, which contributes greatly to the providing of public social and health services Countywide.
2.	Residents asked if development can be done in such a way that open space and recreational space is not used; using ever diminishing public land for private development makes the public lands a "cash cow."	The proposed policy only addresses affordable housing in the unincorporated area of Marina del Rey as mandated by the Mello Act. The proposed policy does not change any land use designations, which are governed by the Marina del Rey Local Coastal Program. The Local Coastal Program and other provisions of state law do not permit the conversion of existing park and recreation land to private use without its replacement. There are no plans to convert existing park and recreation land in Marina del Rey to other uses, rather current plans call for increasing the number of land and waterside parcels dedicated to public park and recreation use.

No.	COMMENT	RESPONSE TO COMMENT
E. Related Topics		
E.1 Low to Moderate Income		
1.1	Residents questioned how affordable housing rent rates are determined for low- and moderate-income occupants.	The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. Rental rates for affordable units generally only change annually and are calculated based on a percentage of the qualifying income level adjusted for family size.
1.2	Residents expressed a desire to ensure that the percentage of affordable units remain consistent.	The proposed policy will increase the amount of low- and moderate-income housing units in Marina del Rey if new development is proposed and approved. The proposed policy sets goals of a 5 percent set aside of all net new units constructed in Marina del Rey for low-income households and a 5 percent set aside of all net new units constructed for moderate-income households. In addition, those units that are currently occupied by persons and families of low-income must be replaced with affordable housing units on a like-for-like basis consistent with the income level of the current occupants.
1.3	Residents asked how the number of replacement units would be established.	The number of replacement units to be constructed shall be determined based on the results of an income survey to be completed by the CDC on a project-by-project basis. The rental levels of the replacement units identified as part of the income survey shall be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement (i.e., replacement units must be set aside on a like-for like basis).
1.4	Residents asked where potentially eligible individuals get applications for affordable housing.	The County of Los Angeles will require that lessees list affordable housing units available in Marina del Rey at the following Web site: http://housing.lacounty.gov .
E.2 Senior Housing		
2.1	Residents asked how senior housing is handled in the County of Los Angeles versus affordable housing.	Affordable housing is administered through the CDC's affordable housing program. There are no separate programs or processes for senior housing.
2.2	Residents questioned how cost of living is calculated for seniors. Residents expressed concerns regarding the inclusion of seniors as part of the affordable housing mix, because seniors have fixed income and cannot move with the median income fluctuations that the proposed policy states drives the rental rates for low- and moderate-income units.	The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. The same standards apply to senior occupants for low- and moderate-income housing as for all eligible households. There are other programs, such the Section 8 Rental Assistance Program, that may provide rent subsidies for qualifying households, including seniors.

No.	COMMENT	RESPONSE TO COMMENT
2.3	Residents expressed concern that low- and moderate-income designations inadequately address the unique needs and situations of seniors. Residents expressed concern that low-income seniors are disproportionately affected by lack of affordable housing and stated that seniors need more affordable housing provided on public lands to survive. Residents expressed a need for low-income senior housing units so seniors can live their lives in dignity.	The HCD and the CDC set the standards for income qualification, eligibility, and rental rates for low- or moderate-income housing units provided pursuant to the Mello Act. The same standards apply to senior occupants for low- and moderate-income housing as for all eligible households. There are other programs, such the Section 8 Rental Assistance Program, that may provide rent subsidies for qualifying households, including seniors.

APPENDIX C
MARINA DEL REY AFFORDABLE HOUSING POLICY,
DATED NOVEMBER 16, 2007

COUNTY OF LOS ANGELES - MARINA DEL REY
AFFORDABLE HOUSING POLICY
NOVEMBER 16, 2007

The Mello Act (Government Code section 65590, *et seq.*) mandates that each local government whose jurisdiction is situated, in whole or in part, within the Coastal Zone, has the responsibility to require the replacement of housing units occupied by persons or families of low or moderate income when it approves the conversion or demolition of those units, and to require the provision of housing units for persons and families of low or moderate income, where feasible, when it approves new housing developments in the Coastal Zone. The County of Los Angeles (County) is the owner of all real property in the unincorporated territory of Marina del Rey, which includes a small craft harbor and adjacent lands, all within the Coastal Zone. The County leases landside and waterside parcels in Marina del Rey for development. The County is also the primary land use regulatory authority for Marina del Rey through the Marina del Rey Local Coastal Program (LCP), including the Marina del Rey Specific Plan. The LCP, through the Specific Plan, establishes land use policy, development standards and guidelines which are the principal regulatory basis for future development, preservation and reconstruction efforts in Marina del Rey.

The purpose of the County of Los Angeles - Marina del Rey Affordable Housing Policy described herein is limited to ensuring that all new residential development in Marina del Rey complies with the Mello Act by preserving existing affordable housing supplies (replacement units), and creating new affordable housing units (inclusionary units), where feasible, while balancing the County's ability to generate revenues from its Marina ground leases for Countywide public benefit programs.

EXECUTIVE SUMMARY

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the Department of Regional Planning (DRP), the Los Angeles County Community Development Commission (CDC) and the Department of Beaches and Harbors (DBH) made prior to the Regional Planning Commission's consideration of an application for a Coastal Development Permit (CDP) or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy.

The number of new affordable housing units to be constructed as part of any new development within County-owned Marina del Rey shall be 1) reasonably disbursed

throughout the project; 2) comparable in size and design to the market-rate units being developed in the rental component of the new or converted project; and 3) include a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary affordable housing unit will be observed for the term of the lease.

The number of replacement units to be constructed shall be determined based on the results of an income survey to be completed by the CDC on a project-by-project basis. The rental levels of the replacement units identified as part of the income survey shall be equivalent to the income level of the existing tenant whose income level triggers the replacement requirement (i.e. replacement units must be set aside on a like-for-like basis).

The inclusionary housing obligation shall be calculated on the net new incremental units to be constructed as part of the project with a goal of 5% of such newly constructed units being set aside for low income families and 5% reserved for moderate income families based upon an analysis of each project's feasibility.

Determining feasibility of on-site affordable housing for a project must be undertaken on a project-by-project basis. If on-site affordable housing initially appears infeasible, the potential use of density bonuses and other incentives and potential economic aid, such as tax credits and/or below market bond financing or grants should be considered as a means of making on-site affordable housing feasible. County rent adjustments to comply with the affordable housing requirement may be available and are subject to negotiation on a project-by-project basis.

If it is determined by the Regional Planning Commission after careful consideration of a joint recommendation by the DRP, the CDC and the DBH that providing the inclusionary units on-site causes the project to be infeasible by virtue of the applicant being unable to successfully complete the project within a reasonable period of time, taking into account economic, environmental, social and technical factors, then construction of such affordable units may be permitted off-site in the following priority order:

1. In the Coastal Zone within unincorporated territory of Los Angeles County;
2. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;

3. In the Coastal Zone within incorporated territory of Los Angeles County;
or
4. Within three miles of the Coastal Zone in incorporated territory of Los Angeles County.

Replacement units must be provided on-site or within the Coastal Zone where feasible, and if infeasible on-site or within the Coastal Zone, then within three miles of the Coastal Zone with priority given to the unincorporated areas.

The obligation to construct or rehabilitate affordable replacement and/or inclusionary housing units off-site will be the sole responsibility of the applicant. The off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project.

No in-lieu fee program will be available to comply with either the replacement or inclusionary housing obligations.

MELLO ACT REQUIREMENTS

The Mello Act applies to the demolition, conversion and construction of housing within the California Coastal Zone, and is intended to preserve affordable housing for low and moderate income persons and families. The basic requirements imposed by the Mello Act are:

Replacement Housing:	Converted or demolished residential units that are occupied by low or moderate income persons or families must be replaced.
Inclusionary Housing:	New residential projects must provide inclusionary housing units affordable to low or moderate income persons or families, where feasible.
Conversion to Non-Residential Uses:	The County can only approve the demolition or conversion of residential structures for the subsequent development of commercial uses that are not coastal dependent, if it first finds

that a residential use is no longer feasible at that location and otherwise requires compliance with the replacement housing requirement.

Mello Act obligations for new development in Marina del Rey will be determined by the Regional Planning Commission based upon a joint recommendation by the DRP, CDC and DBH made prior to the Regional Planning Commission's consideration of an application for a CDP under the LCP or any other discretionary land use entitlements or non-discretionary permits necessary to the project, based on this adopted policy. Nothing in this policy shall be interpreted as superceding the requirements of the LCP, the Mello Act or any other provisions of State law or the County Code applicable to development in Marina del Rey.

The following sections of this policy identify the County's methodology for fulfilling the replacement and inclusionary housing obligations imposed by the Mello Act.

REPLACEMENT HOUSING

Obligations

The Mello Act requires any residential unit occupied by a low or moderate income person or family to be replaced. Therefore, applicants for discretionary and non-discretionary permits involving the demolition, conversion or construction of housing within Marina del Rey will be required to assist the CDC and/or its affordable housing consultant to complete the following activities:

1. Send a notice to all current occupants that includes:
 - a. A description of the proposed demolition or conversion plan;
 - b. An explanation of the Mello Act provisions and compliance review process;
 - c. Contact information for a County staff member who can provide additional information to the residents; and

- d. An income survey to be completed by each family and individual occupant to determine the applicant's replacement housing obligation for Mello Act Compliance (see Exhibit I: Financial Information Form and Income Survey). (Note: Income information obtained from individual occupants specifically named on the lease, and their family members/domestic partner will be used exclusively to determine replacement housing eligibility. Financial information obtained from resident(s) subleasing directly from the legal occupant, but not named on the original lease/rental agreement (i.e. non-family roommates), will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance).

This notice shall be given prior to completion of term sheet negotiations and is not intended to serve as or replace any notice relating to the demolition of residential dwelling units or the termination of residential tenancies required to be given pursuant to the California Civil Code or any other provision of State law, the County Code, or as an express condition of the development's CDP or other permit for entitlement.

2. Identify the characteristics of each unit in the project as follows:
 - a. Units occupied by resident management employees will not be considered in determining the applicant's replacement housing obligation for purposes of Mello Act compliance (with a limit of one management unit per seventy-five residential units).
 - b. Students that are claimed as a dependent on their parent's federal income tax return or whose parent(s) are guarantors on the rental/lease agreement must include parental household income information on the tenant income survey to determine affordable housing eligibility of their unit for the purposes of Mello Act compliance.
 - c. Any vacant unit identified at the commencement of term sheet negotiations with the DBH is deemed to be a market rate unit.
 - d. The Mello Act requires that a residential dwelling unit be deemed occupied by a person or family of low or moderate income if the person or family was evicted from that dwelling unit within one year prior to the filing

of an application to convert or demolish the unit, if the eviction was for the purpose of avoiding the requirements of the replacement housing obligation under the Mello Act. The Mello Act further requires that if a substantial number of persons or families of low or moderate income were evicted from a single residential development within one year prior to the filing of an application to convert or demolish the structure, the evictions shall be presumed to have been for the purpose of avoiding the requirements of the replacement housing obligations under the Mello Act and the applicant shall bear the burden of proving the evictions were not for the purpose of avoiding said requirements. For the purposes of this policy, the presumption period shall run one year prior to the commencement of term sheet negotiations with DBH. If the applicant cannot demonstrate that the tenant(s) were evicted for cause rather than to avoid the Mello Act replacement housing obligations during that period, the unit(s) shall be deemed occupied by a low or moderate income person or family.

- e. Affordable housing eligibility for units with tenants that return an income survey but decline to state any financial information and for tenants that do not respond to the income survey will be determined using tenant income information no more than two years old contained in the applicant's files; or in the absence of such income information, using the average of the previous year's monthly rent compared to the average affordable monthly rental rates for the same year as noted below:
 - i. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a very-low income household, the unit will be considered to be occupied by a very-low income person or family.
 - ii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a low income household, the unit will be considered to be occupied by a low income person or family.
 - iii. If the average monthly rent for the unit is less than or equal to the average monthly affordable rent for a moderate income

household, the unit will be considered to be occupied by a moderate income person or family.

- iv. If the average monthly rent for the unit is greater than the average monthly affordable rent for a moderate income household, the unit will be deemed to be a market-rate unit.
- f. Unmarried and unrelated tenants who wish to be treated as separate individuals rather than as a household must declare under penalty of perjury the following:
 - i. They are not registered domestic partners;
 - ii. Neither party claims employment benefits received by the other party (i.e. health insurance, etc.);
 - iii. They do not share a bank account; and
 - iv. They do not own real property together.
- 3. The CDC shall submit to the Regional Planning Commission the following information for each project involving the demolition, conversion or construction of housing within Marina del Rey:
 - a. Confirmation of household income level of the persons or families in accordance with California Health and Safety Code standards.
 - b. Identification of unit(s) deemed occupied by persons or families of low or moderate income pursuant to section 2.c., above.
 - c. Identification of the number of bedrooms in the unit eligible for replacement pursuant to the Mello Act. When an occupant is determined to be of low or moderate income, but other occupants within the same unit are above-moderate income, the replacement obligation is limited to one bedroom.

Methods of Compliance

- 4. The applicant is required to replace each unit that is determined to be occupied by low or moderate income persons or families on a one-for-one basis (per

number of bedrooms). The replacement units must adhere to the following requirements:

- a. The replacement unit must be of comparable size and design to the market-rate units being developed in the rental component of the new or converted project.
 - b. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement unit will be observed for the term of the lease from the issuance of the Certificate of Occupancy.
 - c. The replacement housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density bonus set aside does not fully satisfy replacement and/or inclusionary housing obligations required under the Mello Act.
5. Replacement units shall be set aside on a like-for-like basis from a comparison of the monthly rent at the commencement of term sheet negotiations for the unit to be demolished or converted to the affordable housing rental rates published annually by the CDC.
6. Applicants must provide the identified replacement housing units on-site or elsewhere within the Coastal Zone unless the applicant can demonstrate that such placement is not feasible.
 - a. The project feasibility analysis must include:
 - i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs.
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the average capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.

- iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.
- b. If on-site or Coastal Zone replacement is determined to be infeasible, the units shall be provided at an off-site location in the following priority order:
 - i. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County; or
 - ii. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
- c. Off-site units can be new construction or the substantial rehabilitation of existing units. The obligation to construct or rehabilitate affordable replacement housing units off-site will be the sole responsibility of the applicant.
- d. No in-lieu fee program will be available to comply with the replacement housing obligations.

INCLUSIONARY HOUSING

The Mello Act requires new residential development to provide affordable housing units where feasible (inclusionary units). The County will require applicants to meet the following standards:

- 7. The inclusionary housing obligation will be imposed separately from any replacement housing obligations being applied to the project.
- 8. The inclusionary units must be reasonably dispersed throughout the rental unit component of the project, and the unit sizes and design must be comparable to market rate rental units included in the project.
- 9. The on-site inclusionary housing obligation will be calculated based upon the net incremental new units (fractional units under 0.5 are to be rounded down) to be constructed or converted in the following manner:

- a. The applicant must set aside a percentage of the new units as affordable units, subject to an analysis of the project's feasibility on a project-by-project basis. The County's goal is to have each applicant set aside 5% of the units for low income households and 5% reserved for moderate income households.
 - b. If the applicant requests and is eligible for a density bonus, the inclusionary unit requirement will be calculated off the pre-bonus number of units.
 - c. The inclusionary housing obligation may be satisfied, in whole or in part, by an affordable housing set aside required as a condition of receiving a density bonus, and shall not be imposed in addition to any such set aside, except to the extent the density bonus set aside does not fully satisfy the replacement and/or inclusionary housing obligations required under the Mello Act.
10. The applicant must provide a project feasibility analysis in support of its proposed inclusionary housing obligation.
- a. The project feasibility analysis must include:
 - i. An evaluation of the impacts created by incentives available to the applicant such as density bonuses; development standards relief; and available state and local assistance programs. (Note: County rent adjustments to comply with the inclusionary housing requirement are subject to negotiation on a project-by-project basis).
 - ii. An estimate of the developer's return that would be generated by the project. This return will be compared to a feasibility factor equal to the capitalization rate for apartment sales in Los Angeles County, as published in the California Real Estate Journal, plus an amount not to exceed 200 basis points.
 - iii. An evaluation of whether or not the project can be successfully completed within a reasonable period of time, taking into account economic, environmental, social and technical factors.

- b. If on-site development of the inclusionary housing units is determined to be infeasible based upon the project feasibility analysis, the units must be provided at an off-site location in the following priority order:
 - i. In the Coastal Zone within the unincorporated territory of Los Angeles County;
 - ii. Within three miles of the Coastal Zone in the unincorporated territory of Los Angeles County;
 - iii. In the Coastal Zone within the incorporated territory of Los Angeles County; or
 - iv. Within three miles of the Coastal Zone in the incorporated territory of Los Angeles County.
- c. The off-site inclusionary units can be new construction or substantial rehabilitation. The obligation to construct or rehabilitate affordable housing inclusionary units off-site will be the sole responsibility of the applicant.
- d. No in-lieu fee program will be available to comply with the inclusionary housing obligations.

CONVERSION TO NON-RESIDENTIAL USES

In accordance with Mello Act requirements, the County will evaluate proposals to demolish or convert residential structures for the subsequent development of commercial uses that are not coastal dependent. No project will be approved unless the County determines that a residential use is no longer feasible at the proposed location. All such projects shall fully comply with the replacement housing obligations as set forth above.

ADDITIONAL PROVISIONS

- 11. The affordable income and rent requirements for replacement and inclusionary units will be determined as follows:

- a. The income standards for very low, low and moderate income households will be based on California Health and Safety Code standards, as adjusted and annually published by the California Department of Housing and Community Development.
 - b. The affordable rents and utility allowance schedule will be published by CDC on an annual basis (See Exhibit II: Income and Rent Limits – 2007).
 - c. A "unit" shall consist of a group of two or more rooms, one of which is a kitchen, designed for occupancy by one family for living and sleeping purposes, together with the land and buildings appurtenant thereto, and all housing services (services connected with the use and occupancy of a unit, including but not limited to utilities (if also provided to the market rate units) ordinary repairs or replacement, maintenance (including painting), elevator service, laundry facilities, common recreational facilities, janitor service, resident manager, refuse removal, and all privileges, benefits, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities).
 - d. The affordable rent as published by the CDC, less the corresponding utility allowance, as applicable, shall be the maximum amount charged for occupancy of a "unit". There shall be no separate, additional charges for use and occupancy of a unit or for housing services related thereto, including, but not limited to charges for parking spaces required to be assigned to the unit as a condition of the CDP or other land use entitlement permit.
12. The tenant survey must be approved by the CDC during lease negotiations for County owned properties. If more than one year passes after approval of the original tenant survey, the survey must be updated and resubmitted as part of the County's Regional Planning application process for a CDP. The replacement housing obligation will be set at the higher result of the two surveys.
13. The applicant must submit an Affordable Housing Plan to the County; no Building Permits will be issued for the project until the County approves the Plan.
14. The applicant shall record a covenant guaranteeing that the relevant affordable income and rent requirements for each replacement and inclusionary unit will be

observed for the term of the lease from the issuance of the Certificate of Occupancy.

15. The applicant will be required to comply with the County's monitoring requirements annually throughout the covenant term which shall include a marketing plan to be approved by the CDC that will require, among other things, posting the availability of the affordable housing units on the CDC website at www.housing.lacounty.gov.
16. If replacement and/or inclusionary units are provided off-site, the off-site affordable housing units must be completed and available for occupancy prior to the issuance of the Certificate of Occupancy for the new market rate development, but in no event later than three years from the issuance of a building permit for the new development project. The Certificate of Occupancy for the new market rate development project will be withheld until the off-site affordable housing units are ready for occupancy.
17. Ownership Units
 - a. If an applicant is proposing to develop a project that includes rental and ownership units, the replacement and inclusionary units may all be provided in the rental component;
 - b. If an applicant is proposing to develop a 100% ownership unit project, the applicant may provide rental units on-site to fulfill the replacement and inclusionary obligations.
18. The CDC will levy the following fees:
 - a. The costs associated with engaging a consultant to undertake the tenant survey and evaluation will be funded by the applicant.
 - b. The costs associated with completing or auditing the project feasibility analysis will be funded by the applicant.
 - c. An annual fee of \$125 per affordable unit will be charged to defray the ongoing compliance inspection and reporting costs associated with the replacement and inclusionary units. This fee will be adjusted annually in accord with changes in the Consumer Price Index (CPI).

COASTAL HOUSING PROGRAM TENANT QUESTIONNAIRE

The ownership of _____ has applied to the County of Los Angeles (County) for approval of a Coastal Development Permit (CDP) to authorize the redevelopment of the _____ apartments. The ownership proposes to demolish the existing _____ apartment units and construct a new apartment project on the site containing _____ rental units.

In 1981, the California Legislature adopted the Mello Act (Government Code section 65590, et seq.), which provides that the demolition of existing dwelling units in the Coastal Zone occupied by low or moderate income households shall not be approved unless the replacement of those units is required with units designated as affordable to low or moderate income households. **The replacement units, if required, will be generally available to the public, rather than to specific individuals.**

To determine the number of units that must be replaced, the County needs income information from the current tenants of _____. The County must receive income information separately from each family (related persons) and each unrelated adult living in your apartment. Please assist us by providing the information requested below and, if it is applicable, also complete the enclosed Financial Information form.

IF YOU DO NOT PROVIDE THIS INFORMATION, IT IS POSSIBLE THAT FEWER UNITS IN THE NEW PROJECT WILL BE DESIGNATED AS AFFORDABLE HOUSING.

All financial information that you provide will remain confidential. If you have any questions, or need additional questionnaires and forms for unrelated individuals, please contact the Community Development Commission at _____. Thank you in advance for your cooperation.

Number of occupants living in your apartment unit: _____.

Please circle the income category that comes closest to the combined gross annual income from all sources of all family members (all related persons living in your apartment unit) based on family size without going over.

Family Size	Less than Low Income	Less than Moderate Income	Greater than Moderate Income
1	< \$39,300	< \$47,200	> \$47,200
2	< \$45,000	< \$53,900	> \$53,900
3	< \$50,600	< \$60,700	> \$60,700
4	< \$56,200	< \$67,400	> \$67,400
5	< \$60,700	< \$72,800	> \$72,800
6	< \$65,200	< \$78,200	> \$78,200

Source: 2007 State income limits--California Department of Housing & Community Development

OR check the following: **DECLINE TO STATE** ☐

If you answered that your combined family income from all sources (including wages, salary, tips, interest and investment income, proceeds from the sale of a home or other real estate transaction, social security, pension, governmental or spousal support and child support) is **LESS** than the amounts in the table, **please complete the attached Financial Information form.**

If you answered that your income is **GREATER** than the amount in the table, or you **Declined to State** your income, **do not** complete the attached Financial Information form, but please **do** sign and date this questionnaire below.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature: _____ Date: _____

Print Name: _____ Street Address: _____ Apt.# _____

TENANT FINANCIAL INFORMATION

If you indicated on the previous page that your annual income is less than the dollar amount shown for your family size category, please complete the financial information requested below and return this form with the attached questionnaire in the enclosed envelope. Each family member and/or unrelated adult living in your apartment should complete a separate Financial Information form.

Your Name: _____

Date of Birth: _____ Home #: (____) _____ Work #: (____) _____

Building Complex Name: _____ # of Bedrooms: _____

Person(s) Living in Apartment Unit:

<u>Name of Person</u>	<u>Relationship to You</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Are you and any person(s) listed above married or registered with the State of California as domestic partners? YES NO

Source(s), Amount of Household Income (Gross):

	(Yourself)	(Other Household / Family Members)
Wages	\$_____ mo.	\$_____ mo.
Pension/Retirement	\$_____ mo.	\$_____ mo.
Social Security	\$_____ mo.	\$_____ mo.
SSI	\$_____ mo.	\$_____ mo.
Child/Spousal Support	\$_____ mo.	\$_____ mo.
Disability	\$_____ mo.	\$_____ mo.
Interest Income	\$_____ mo.	\$_____ mo.
Other _____	\$_____ mo.	\$_____ mo.

The value of your assets, except for necessary items such as automobiles and furniture, are considered in determining your income. Therefore, please provide below the total dollar value of the various types of assets listed below that you own and the interest rate or rate of return.

Total Amount

What is the current balance of your checking account? \$ _____

What is the current balance of your savings account? \$ _____

What is the value of your stock/bond portfolio? \$ _____

What is the estimated value of any real property you own? \$ _____

Are you a full-time student, 18 years of age or older? YES NO

Do your parents serve as guarantors on your rental or lease agreement? YES NO

Did your parents declare you this year as a dependent on their Federal Income Tax Return? YES NO

If your parents intend to declare you as a dependent on their Federal Income Tax Return for this year, please indicate below: (1) the number of persons in your family, and (2) the combined gross annual income of your parents and you.

Family Size: _____ Combined Gross Annual Income: _____

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Signature

Date

COMMUNITY DEVELOPMENT COMMISSION OF THE COUNTY OF LOS ANGELES

Exhibit II

INCOME AND RENT LIMITS - 2007

	1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
30%								
50%	25,990	29,600	33,300	37,000	39,950	42,900	45,900	48,850
60%	31,080	35,520	39,960	44,400	47,940	51,480	55,080	58,620
80%	41,450	47,350	53,300	59,200	63,950	68,650	73,400	78,150
HUD Median 100% (2)	51,980	59,200	66,600	74,000	79,900	85,800	91,800	97,700
HUD 120% of Median (2)	62,376	71,040	79,920	88,800	95,880	102,960	110,160	117,240
HCD-State Median 100% (1)*	39,300	45,000	50,600	56,200	60,700	65,200	69,700	74,200
HCD-State 120% of Median (1)*	47,200	53,900	60,700	67,400	72,800	78,200	83,600	89,000

Occupancy		0-bedroom	1-bedroom	2-bedroom	3-bedroom	4-bedroom	5-bedroom	6-bedroom
Factor								
HCD-State (50%) (1)*	1+1	495	565	635	705	765		
LOW-HOME (50%)*	1.5	647	693	832	961	1,072	1,184	1,295
TAX CREDIT (50%)*	1.5	647	693	832	961	1,072	1,184	1,295
City of Industry (50%)*	1+1	647	740	833	925	999	1,073	1,148
BOND (50%)**	1+1	647	740	832	925	999	1,073	1,148
HCD-State (60%) (1)*	1+1	590	674	759	843	910		
TAX CREDIT (60%)*	1.5	777	833	999	1,154	1,287	1,421	1,475
HIGH-HOME*	1.5	821	882	1,061	1,217	1,338	1,457	1,578
BOND (60%)	1+1	777	888	999	1,110	1,199	1,287	1,377
BOND (80%)**	1+1	1,036	1,184	1,333	1,480	1,599	1,716	1,835
HCD-State (80%) (1)*	1+1	690	785	885	985	1,060		
HUD Median 100% (2)	1+1	1,300	1,480	1,665	1,850	1,998	2,145	2,295
HUD 120% of Median (2)	1+1	1,559	1,776	1,998	2,220	2,397	2,574	2,754
HCD-State: 80% to 120% of Median (1)*	1+1	1,081	1,238	1,392	1,546	1,669	1,793	1,917

*MUST SUBTRACT UTILITY ALLOWANCE FROM LISTED RENT AMOUNT TO GET ACTUAL RENT AMOUNT TO CHARGE TENANT

**ACTUAL RENT CHARGED TO TENANT - NO UTILITY ALLOWANCE ADJUSTMENT MADE UNLESS PROJECT SPECIFICALLY REQUIRES IT FOR PROJECTS BEFORE 1-1-03

(1)* Income limits and rents for 'unassisted' developments with density bonuses. Income limits are also to be used when income-qualified buyers are assisted with tax increment funds only

(2) The numbers shown are not published by HUD and are extrapolations from the income published by HUD for 50% of median income.